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THE SECRETARY OF STATE



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SENATE JOURNAL.

A

Journal of the Proceedings

OF THE

SENATE

OF THE

GENERAL ASSEMBLY OF THE STATE OF FLORIDA.

SEVENTH SESSION,

Began and Held at the Capitol in the City of Tallahassee, on
MONDAY, NOVEMBER 27, 1854.

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JOURNAL.

MONDAY, November 27th, 1854.

This being the day fixed by the Constitution of the State for the General Assembly to convene, at 12 o'clock, M., the Senate was called to order by F. L. Villepigue, Esq., Secretary of State, who proceeded to call the roll by Districts, when the following Senators appeared and took their seats, viz :

From the Fourth District—JOHN T. MYRICK.

"	"	<i>Sixth</i>	"	T. J. EPPES.
"	"	<i>Seventh</i>	"	WILLIAM E. KILCREASE.
"	"	<i>Eighth</i>	"	MEDICUS A. LONG.
"	"	<i>Ninth</i>	"	JAMES W. SMITH.
"	"	<i>Tenth</i>	"	DANIEL BIRD, Sen.
"	"	<i>Eleventh</i>	"	WILLIAM A. BRINSON.
"	"	<i>Twelfth</i>	"	HENRY J. STEWART.
"	"	<i>Thirteenth</i>	"	WILLIAM H. CONE.
"	"	<i>Fifteenth</i>	"	DAVID PROVENCE.
"	"	<i>Sixteenth</i>	"	E. D. TRACEY.
"	"	<i>Seventeenth</i>	"	GEO. E. HAWES.
"	"	<i>Nineteenth</i>	"	JAMES FILOR.

The Senators from 4th, 6th, 10th, 11th, 12th, 13th, 16th and 19th Districts were duly sworn by C. H. Austin, Esq., Notary Public in and for the County of Leon.

On motion, Mr. Bird assumed the Chair.

On motion of W. E. Kilcrease, the Senate adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, November 28th, 1854.

The Senate met pursuant to adjournment. Mr. Bird assumed the Chair.

The roll being called by Districts, the following named Senators answered :

From the 3d Senatorial District—ANGUS GILLIS.

"	"	<i>4th</i>	"	"	JOHN T. MYRICK.
"	"	<i>6th</i>	"	"	T. J. EPPES.
"	"	<i>7th</i>	"	"	W. E. KILCREASE.
"	"	<i>8th</i>	"	"	M. A. LONG.

<i>From the 9th Senatorial District</i> —JAMES W. SMITH.				
"	" 10th	"	"	DANIEL BIRD, Sen.
"	" 11th	"	"	W. A. BRINSON.
"	" 12th	"	"	HENRY J. STEWART.
"	" 13th	"	"	W. H. CONE.
"	" 15th	"	"	DAVID PROVENCE.
"	" 16th	"	"	E. D. TRACEY.
"	" 17th	"	"	GEORGE E. HAWES.
"	" 18th	"	"	H. V. SNELL.
"	" 19th	"	"	JAMES FILOR.

There being a quorum present, the proceedings of yesterday were read and approved.

On motion, the Senate proceeded to the election of a President.

Mr. Long nominated Mr. H. V. Snell, of Hillsborough.

Mr. Myrick nominated Mr. Angus Gillis, of Walton.

The vote was as follows:

For SNELL—Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Kilcrease, Long, Provence and Stewart—10.

For GILLIS—Messrs. Eppes, Tracey Smith, Snell and Myrick—5.

H. V. Snell having received a majority of the votes cast, was declared duly elected President of the Senate.

On motion, Messrs. Long, Kilcrease and Filor, were appointed a Committee to conduct the President elect to the Chair.

The President, in an appropriate address, expressed his gratitude for the confidence reposed in him by his fellow Senators.

The Senate then proceeded to the election of Chief Secretary.

Mr. Brinson nominated D. G. Livingston, of Madison County.

The vote was as follows:

For LIVINGSTON—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Province, Smith, Stewart, and Tracey—14.

Blank—Mr. Myrick—1

D. G. Livingston was declared duly elected Secretary of the Senate.

The Senate then proceeded to the election of an Assistant Secretary.

Mr. Stewart nominated J. S. Purviance of Hamilton County.

The vote was:

For PURVIANCE—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Provence, Stewart, and Tracey—13.

BLANK—Messrs. Myrick and Smith—2.

J. S. Purviance was declared duly elected Assistant Secretary of the Senate.

The Senate then proceeded to the election of Engrossing Clerk.

Mr. Long nominated Mr. B. F. Parker of Calhoun County.

The vote was:

For PARKER—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Provence, Stewart, and Tracey—14.

BLANK—Messrs. Smith and Myrick—2.

B. F. Parker was declared duly elected Engrossing Clerk of the Senate.

The Senate then proceeded to the election of Enrolling Clerk of the Senate.

Mr. Kilcrease nominated J. G. Smith, of Gadsden County.

The vote was :

For SMITH—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Provence, Smith, Stewart and Tracey—14.

Mr. Smith was declared duly elected Enrolling Clerk of the Senate.

The Senate then proceeded to the election of Sergeant-at-Arms.

Mr. Long nominated J. G. Park, of Wakulla County.

The vote was :

For PARK—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Provence, Smith, Stewart and Tracey—14.

Mr. Park was declared duly elected Sergeant-at-Arms.

The Senate then proceeded to the election of Door-keeper and Messenger.

Mr. Bird nominated John White, of Jefferson County.

Mr. Myrick nominated John Kelly.

The vote was :

For WHITE—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Hawes, Kilcrease, Long, Provence and Stewart—10.

For KELLY—Messrs. Eppes, Gillis, Myrick, Smith and Tracey—5.

Mr. White was declared duly elected Door-keeper.

The officers elect, except Mr. Parker, appeared at the desk of the Secretary and were sworn by the Hon. T. J. Eppes, a Notary Public.

On motion of Mr. Hawes,

The Senator from Gadsden was excused from attendance in the Senate for the period of three days.

The Senate then adjourned until to-morrow at 12 o'clock, M.

WEDNESDAY, November 29th, 1854.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of yesterday were read, corrected and approved.

Hon. E. D. Tracey presented the credentials of Edward Hopkins, the Senator elect from the 14th District.

Mr. Hopkins presented himself, and was duly sworn by T. J. Eppes, a Notary Public.

B. F. Parker, who was yesterday elected Engrossing Clerk, presented himself and was duly sworn by the President of the Senate.

On motion of Mr. Long, the Rules of the last session of the Senate were adopted as the Rules of the present Senate until other Rules be adopted.

A Committee from the House informed the Senate that the House was organized and ready to proceed to business.

Mr. Long moved that a Committee of three be appointed to inform the House of Representatives that the Senate is now organized and ready to proceed to business;

Which motion was carried, and Messrs. Long, Filor and Cone were appointed said Committee, and afterwards returned and reported that they had performed the duty assigned them.

Mr. Long moved that a Committee of three be appointed to act with a similar Committee from the House to wait upon His Excellency the Governor, and inform him that the General Assembly is now organized and ready to receive any communication that he may be pleased to address them;

Which motion was sustained; and Messrs. Long, Brinson and Eppes were appointed said Committee.

The Committee appointed to wait upon His Excellency the Governor, and inform him that the Senate was ready to receive any communication he might have to make, &c., returned and reported that they had performed that duty, and that his Excellency would communicate with the Senate instantler.

The following Message was received from His Excellency the Governor, and ordered to be read:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, }
TALLAHASSEE, November 24, 1854. }

Fellow-Citizens of the Senate

and House of Representatives:

It gives me pleasure to welcome you to the Seat of Government, and to congratulate you upon the favorable circumstances under which you have assembled.

During the year now nearly closed, our State appears to have been especially favored by Divine Providence. While

some sections have been visited with drought, and others with storms and floods, we have enjoyed a propitious season. The earth has rewarded the diligent husbandman with a fair harvest, and with remunerating prices for our great staple, we may expect throughout our borders a state of prosperity which should be highly satisfactory. But this is not the only or even the more important evidence of such favor.

Disease and death have visited many sections of our common country with unrelenting violence. Insatiable in their demands, they have spared neither age nor sex. Their victims have been claimed from every class and condition—the tenant of the hovel and the palace have alike become the tenants of the grave. The benevolent physician, as he has been ministering to the sick and dying, has been stricken and called to his reward! The man of God, while pointing out to dying penitents the road to Heaven, has himself been summoned to that blessed abode! Human sympathy has been awakened, and human benevolence has made willing sacrifices; but no sacrifices, however noble, no sympathy, however earnest, could do more than mitigate suffering. Death has done its work, and whole communities have been clothed with the habiliments of mourning. Against such visitations, our commonwealth has been mercifully protected. The general health of our people has rarely been better, and while the afflictions with which our sister communities have been visited, applies most forcibly to us the admonition, “be ye also ready,” our extraordinary exemption calls upon us for the most humble and devout gratitude to that beneficent Being who, while He rules in the armies of Heaven, deigns to minister to His creatures on earth.

The Constitution makes it the duty of the Executive to “give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient.” In discharge

of this duty, I beg leave to invite your attention to the accompanying

OFFICIAL REPORTS.

The Report of the Treasurer shows that the revenue of the State for the year preceding the 1st November, has been considerably in excess of the disbursements, and that the finances are in a healthy and satisfactory condition.—The amounts borrowed from the different State funds, to pay the expenses of suppressing Indian hostilities, have not yet been refunded by the Federal Government, and it may become necessary for the General Assembly at its present session, to make further provision for the payment of the first, and perhaps the second instalments of the script, authorized by the last General Assembly to be issued, under an Act entitled “An Act to provide for the payment of Captain Sparkman’s, Parker’s and other Volunteer Companies, for services in the year 1849.” Accompanying this Report is the Treasurer’s accounts with the Seminary, School, and Internal Improvement funds, which, with the accompanying accounts of Major Beard, the Comptroller, charged by law with the investment, will show the amount and present condition of these various funds, so far as they have been paid over into the Treasury.

The Report of the Register of Public Lands furnishes a most satisfactory exhibit of the transactions of his office during the past two years, with the balances remaining unpaid on account of sales for the various funds committed to his charge, and which have, therefore, never gone into the Treasurer’s accounts. I would here remark, that such is the complication of duties under the law, governing these funds, that to procure information of their condition and extent, a careful examination of the Register’s, Treasurer’s and Comptroller’s accounts is necessary. It is respectfully suggested that these accounts might be simplified without detriment to the public interest.

The accounts of the Register are accompanied by such suggestions, on the subjects of Seminaries and Common

Schools, as his observation and experience have qualified him to offer ; and to these your attention is respectfully invited. It is a matter of deep regret that more has not been effected, in the way of organizing Common Schools, but I apprehend that this is not attributable to the want of a proper interest in the subject, by those to whom the law has committed it, nor to the want of energy in the law itself, but to the insufficiency of the fund. The increase of this fund is a matter of great State interest, and should enlist the talents and efforts of every citizen. Until such increase is effected, it can hardly be expected that the benefits of the system can become general.

The Report is accompanied by a Report from the Board of Education of the State Seminary at Ocala, in East Florida, suggesting measures for the improvement of the fund, and showing the condition of the institution, to which I invite your attention.

The Report required by law to be made to the General Assembly, by the Attorney General, accompanies this communication. You are respectfully referred to it for valuable suggestions on the subject of our Quarantine laws, Pilotage at Key West, and for a statement of the present condition of the suit pending in the Supreme Court of the United States, between this State and Georgia, to settle the question of boundary. On this subject I will, at some early day, make to the General Assembly a special communication.

The resignation of Major John Beard, as Comptroller of the Treasury, created a vacancy which was filled by the appointment of Theodore W. Brevard, to serve until the last day of the present session of the General Assembly. On the 2d of October last, I granted to the Comptroller a temporary leave of absence, and have since extended it, in consequence of his having accidentally received a serious injury, which has prevented his return up to this date. I have made no *ad interim* appointment, because I desired the benefit of his suggestions on the subject of revenue,

&c. It is hoped that he will be able to return and resume his duties at an early day, when his report will be communicated to the General Assembly.

Your attention is respectfully called to the General Report of the State Engineer and Geologist, with the accompanying reports, marked A. B. and C. The Board of Internal Improvement will meet in Tallahassee on Monday the 4th prox., after which I may make to the General Assembly a communication on some of the points embraced in the General Report.

The report of the Quartermaster General shows the number and condition of the State arms, and the letter of Col. Craig of the Ordnance Department, and the account current between the State and the General Government, herewith communicated, shows the extent of our indebtedness for arms over-drawn. This State has made no report of her military strength since the year 1845, and as a necessary consequence, the apportionment of arms to us has been annually diminishing. We have no military organization worthy of the name, and cannot expect to have until the State is prepared to pay at least the expenses of some patriotic and public spirited citizen, who will devote his time and talents to the work. A report from the Adjutant General's office in 1845, secured us an annual apportionment of arms amounting, in the aggregate, to what is estimated as the equivalent of 836 muskets, and we have paid more than four thousand dollars to have them preserved. The arms now on hand will soon have cost the State more than their value, and as there is under our present organization no prospect of receiving additions for the next fifteen years, I respectfully suggest to the General Assembly that suitable provision be made for the efficient organization of the Militia of the State, or that the office of Quartermaster General be abolished, and the arms turned over, with the other State property, to the Treasury.

SALARIES.

The constitutional provision that the compensation of

the Governor "shall not be increased, or diminished, during the term for which he shall have been elected," relieves me from any embarrassment in calling your attention to the subject of salaries. When most of the present salaries of the officers connected with the Executive Department were fixed, the expenses of living were less—the price of labor less—and the duties of the officers much less onerous than at present. Under the present scale, no man having a family to support can afford to accept an office in the Executive Department, unless he has a residence of his own at the capital, with his own servants, and is so situated as to be able to add something to his salary income. The salary of the Treasurer of this State, who is required to find good and sufficient security for seventy-five thousand dollars, and is charged with the risk, not only of receiving and disbursing the revenues of the State, but with the preservation of the State's property, and the safe keeping, disbursement, &c., of the large and increasing amounts of money and bonds belonging to the Seminary, School and Internal Improvement Funds, is several hundred dollars per annum less than is paid by the merchants of this city for competent book-keepers. The subject is one which calls for examination, and is respectfully submitted for your consideration.

INDIANS.

The General Assembly, at its last session, passed an act for the final removal of the Indians from the State, and for other purposes. That act required the Governor to raise one Brigade, to be composed of one Regiment of Mounted Volunteers, and one Regiment of Infantry, of not more than one thousand men each. It required him to commission the officers elected; including the Brigadier General elected by the joint vote of the General Assembly, and when organized, to tender the Brigade to the General Government for the removal of the Indians.

These duties were purely executory, and finding them wholly unexecuted at the date of my qualification, I com-

missioned Allen G. Johnson, who had been elected Brigadier General by the General Assembly, and placed him under orders to raise his Brigade, with a view to tendering it to the General Government as required by the act.

He reports to me that the Mounted Regiment is enrolled and ready for organization, but that he has not been able to raise a single company of Infantry, and doubts whether, under existing circumstances, that Regiment can be procured. This being the case, I have been unable to organize the Brigade as required by the act, and have consequently made no tender of its services to the Federal Government. The further duties required of the Governor in executing the law, were made to depend upon the Government's refusing to accept the services of the Brigade, and upon several other contingencies, neither of which has occurred. I have, therefore, issued no bonds and incurred no obligations for the State; and whilst I have at all times been ready to act promptly in discharging the duties assigned me, I have not found it necessary to make further use of the powers which the act conferred upon the Executive.

The failure to raise the regiment of Infantry, renders a material modification of the law necessary, and it is possible that your deliberations may lead you to consider important changes desirable. I am advised by Capt. Casey, the agent of the Government, that the Indians are peaceably disposed, and he expresses the opinion that a rigid enforcement of the State law prohibiting all persons from trading with them, or in any manner furnishing them supplies, will lead at no distant day to their peaceable emigration. Having received information that the law had been violated, I instructed the District Attorney for the Southern District to enquire into the matter, and to use his best efforts to convict and punish the violators.

The duty of removing these Indians from our State, has been transferred by the present Administration from the Interior to the War Department, and is now in the hands

of General Davis—a man who, as a statesman and a soldier, has always been equal to his duty. I have reason to believe that while he greatly desires to effect the object peaceably, he will use coercive measures if necessary, and that the Government is not entertaining the idea of adopting a policy which looks to a permanent settlement of these people within our borders. It will be for the General Assembly to determine whether the State will wait longer, or whether she will take the matter into her own hands. If we determine to wait, I would respectfully suggest that the large discretion conferred on the Governor in the law of the last session be repealed, and that some simple provision for protection in case of emergency be substituted. If, on the other hand, it is determined to proceed at once to coercive measures, I would respectfully suggest that the provision made in the law of the last session will be found inadequate. The appropriation is too small for such a service, and the means provided for raising the money would probably be unreliable in the present state of financial derangements. The question is submitted to you, as the people's representatives, with a confidence that it will receive that careful consideration and prudent action which its delicacy and importance demand.

INTERNAL IMPROVEMENTS.

The framers of the Constitution were deeply impressed with the importance of a liberal system of Internal Improvements, and provided that such a system should be encouraged by our State Government. The time has probably arrived when our duty to ourselves and our constituents requires us to fix upon and adopt a State system, and determine the extent to which we can, as a Government, aid in its construction. To determine these points, and act upon such determination, is to affect for weal or for woe the best interests of our commonwealth, and therefore involves grave and important responsibilities. So far as these may attach properly to the Executive Department, I am prepared to assume them, and feel no hesitation in

declaring that in my judgment no State system will be worthy of the name which fails to connect Fernandina, or some other equally accessible point on our Atlantic Coast, with Tampa Bay in the South and Pensacola Bay in the West. These two, as great main trunks, would form the basis of a system which would be worthy of the "sea girt State." Less than these would be unworthy of our enviable geographical position. These trunks would throw off their branches, or feeders, to every point where a sufficient commerce would invite them, and thus, not only every section of our State, but almost every County, would share in their benefits.

It has been doubted by some whether such Roads would pay. I have not shared in such doubts. Few if any Roads in the South, according to their length, pass through larger portions of rich agricultural country than these, and none probably through a greater extent of pine forests, adapted to the business of lumber and naval stores. It is uniformly conceded that Roads relieved from undue competition, pay well in good cotton growing districts, but it is not generally understood that one man employed in the turpentine business, will furnish more freight to a Railroad, than ten men engaged in the culture of cotton. And yet such is the case. It has been demonstrated by at least one of our Southern Companies, that where a Road passes in equal portions through a pine forest unfit for cultivation, but abounding in naval stores, and through a rich agricultural district, the forest furnishes freight ten times as great as the agriculture. In our case, the two sources of supply are happily combined—Cotton and Sugar, with tropical fruits, &c., for winter transportation, and naval stores and lumber for the summer. Thus provided, it can hardly be doubted that the local business offered to these Roads, would be at least equal to that done on any Roads in the Southern States.

But this is not all. It must be remembered that more than one half of all the produce exported from the United States passes through the Gulf of Mexico, and around the

Peninsula of Florida. The articles received in exchange for this, are doomed to the same tedious, hazardous and expensive navigation; and when we recollect that the extra insurance on nearly all light goods, added to the loss of interest by detention, would more than pay the whole freight from New York to their place of destination, we may reasonably infer that the through freight would be an item of no small importance.

But these, however ample, would not be our only sources of income. Our geographical position would of necessity make our roads great mail routes, and the most important thoroughfares of travel between the Atlantic and Pacific oceans. It is doubted whether their income from through travel, would be equaled by any two American roads of similar length, south of New York. To these advantages, local and geographical, may be added another worthy of consideration. The right of way, it is believed, could be procured on both lines, at a cost merely nominal; both roads would pass through country abounding in the very best timber for superstructure, and which, to a great extent, has been graded by nature, enabling us, it is believed, to build first class roads at much less expense than any of our neighbors. When we consider all these advantages, and contrast them with other enterprises already completed, which are paying good dividends, and whose stock is in demand at, and above par, it is difficult to resist the impression, that our General Assembly acted wisely in fixing a limit beyond which the annual profits of these companies should not be extended.

But suppose we are mistaken in the extent of business which would be thrown upon these roads, and consequently in the amount of profit to be derived from the investment, we should even then find ourselves abundantly rewarded, in having appropriated to purposes of profitable trade, at least three of the finest harbors in the South,—in having built up, within our own borders, three cities destined to become great marts of commerce—in having re-

moved the inaccessibility, which has hung like an incubus around us—in having increased the happiness; augmented the wealth, and secured the prosperity of our people, and last, though not least, in having blotted sectionalism from the map of Florida, and made our people one in interest and feeling.

That all these, and other advantages would follow the completion of these great enterprises, I have no doubt, and that they are worthy of the highest efforts of our Government and people, there can be no question. Let us, therefore, turn our attention to another, and controlling consideration connected with the subject.

Have we the ability? To what extent can the State engage in these enterprises consistently with the best interest of the people, and without a violation of the Constitution? These are questions which deserve, and will doubtless receive, your earnest and anxious consideration.

The 2nd Sec. of the 8th Article of the Constitution declares as follows: "No other or greater amount of tax or revenue, shall at any time be levied, than may be required for the necessary expenses of Government." The 13th Sec. of the 13th Article declares, that "The General Assembly shall not pledge the faith and credit of the State to raise funds in aid of any corporation whatsoever."

Whatever opinion may be entertained of the wisdom of these provisions, all will agree that they prohibit the government from resorting to taxation in aid of internal improvements, and deprive this State of that description of credit, upon which others have relied, to the greatest extent, for the success of such enterprises. We are not, however, prevented from using money, and other assets, which we may at any time have, that are applicable to this purpose, in such manner as we may consider most advantageous; and to this part of the subject I beg leave to call your particular attention.

The Report of the Register of Public Lands shows sales of Internal Improvement land to the amount of \$228,-

121.52, and furnishes estimates for the land unsold, which would make the fund 965,000 dollars. This, with the interest already due and that will accumulate before the fund will probably be used, would justify us in estimating it in round numbers at one million. In addition to this, the Federal Government granted to the State, in 1850, all the swamp and overflowed land remaining unsold within our borders on the 28th of September of that year. The selections under this grant have been pressed forward by the State's agents with commendable energy, but are not yet completed, and many of those made have not yet received the final action of the Commissioner. Without knowing the extent of this fund, it may not be extravagant to estimate it at 8,000,000 acres, embracing, with much that is worthless, some of the most valuable land in the State.—The value of this fund has been variously estimated, but there can be little doubt that it can be relied on as a safe and sufficient security for two million dollars. This, added to the Internal Improvement fund, would give us a reliable security of three million, with which to commence operations. With such a fund, we are now called upon to decide whether we will begin the work of frittering it away in local enterprises, and as food for local and sectional prejudices, or whether we will adopt a great State system, and enter upon its construction with a zeal and energy that will abate only with success—a system which will give us a commerce second probably to no State in the South, which will build up our infant manufactures, increase and develop our agricultural resources, improve the value of our lands, fill up our forests with an industrious and happy population, and make us a great and prosperous commonwealth. To my mind, the path of duty is plain.

A road from Fernandina to Tampa Bay, and one from a convenient point for intersection in Columbia county, to Pensacola, would not vary much from an aggregate of five hundred and twenty miles. It has been suggested that to secure the construction of these roads, the State might

well afford to make a donation of all the funds; and that with such security, the companies could readily obtain the money necessary for building. Again it has been suggested, that a loan of the funds to the companies, to be used as a security, they agreeing to release them at some future day, and restore them to the State, would serve the purpose desired. To my mind, the first plan proposed is unnecessary, and not likely to meet with general acceptance. It would, to some extent, be unequal in the distribution of its benefits, because there would be no fund returned with which to aid in constructing the branch roads necessary to promote the interest of a large portion of the State, and which should be looked to as a part of the system. Nor is this the only objection to absorbing and sinking the fund. When it has served the purpose in aid of these various works, it should return to bless our people, by building a school house in every neighborhood, and securing a good English education to every child. To a loan there are grave objections; not the least of which is, that it would not be likely that the fund would return to the State. The course, in my judgment, promising the best results, and calculated most certainly to succeed, is for the State, with the consent of the companies, to subscribe for stock to the extent of ten thousand dollars per mile, to be paid in State Internal Improvement bonds, payable in ten years, bearing interest, and to be delivered as required for the progress of the work; the payment for the principal and interest of these bonds to be secured by the hypothecation to the companies of all the Internal Improvement and swamp land funds, together with the stock for which the bonds were given.

The subscriptions should be accompanied by a contract on the part of the State, to sell the stock to the companies or their assignees at par, whenever they desired it, for the bonds at par. Thus the companies would be secured by the bonds of the State, the stock for which they were given, the Internal Improvement fund, the swamp land fund,

and the right to convert the bonds into a stock that would, in my judgment, be second to few in the Union. To these securities the companies could add their private subscriptions by hypothecating the stock of the road, which, for the purposes of this argument, I will estimate at the sum of two million, or four thousand dollars per mile. So far as securing a loan would be concerned, the companies could make the State's securities as fully available as if they owned the fund as a donation; and the fact that the State had manifested her confidence in them, by large subscriptions to their stock, would greatly aid their negotiations. In this respect the companies would be benefitted, while the right to convert the bonds into stock at par would enable them to appropriate to themselves, if they should desire, the advantages of the whole enterprise, as fully as if the State had loaned the fund.

In speaking of the securities which such a subscription would enable these Companies to offer, it will be observed that I have said nothing of grants of land by the General Government, and these, in some shape, they will doubtless receive.

The course which I have suggested would, I think, secure the early construction of both roads, and the State may be easily protected from loss or embarrassment by throwing the necessary safe-guards around the subscription and the issue of bonds.

I have thus, Fellow-Citizens, expressed my opinions fully and frankly on this subject. They are submitted for your consideration. Should the course which I have suggested fail to command your approbation, then will I most cheerfully co-operate with you in any other which promises greater benefits, and is not inconsistent with the provisions of the Constitution. That your united wisdom will enable you to adopt some system of operations which will secure the advantages so much desired, and at the same time be safe and judicious, I have no doubt; and having adopted it, let us take as our motto, "Energy and Action."

CHARTERS.

The General Assembly, at its last session, granted several charters, incorporating Railroad Companies, and among them one styled the Pensacola and Georgia Railroad Company. That charter gives a floating Eastern terminus to be fixed by the directors of the company, at any point they may select on the line dividing this State from the State of Georgia. A road built under it from Pensacola to the junction of the Flint and Chattahoochee, there to connect with a Georgia road to skirt our borders to the Atlantic, would prove a dangerous if not a successful rival of *one* of our great State lines; and I would respectfully suggest that, with the consent of the company, the charter be so modified as to locate its Eastern terminus at Fernandina, or at such point on, or near the Florida Railroad, as the company may designate, and that there be authority conferred to construct a branch road, if they desire, to the line of the State of Georgia at some point east of the Alapaha river.

So far as Railroads are concerned, it is believed that we now have charters on our Statute Book which, with some unimportant amendments, will be found sufficient for the present wants of the State. The construction of these roads may be greatly embarrassed by the grant of charters for rival routes, and I respectfully suggest, that all such applications be carefully examined before being acted on.

I received from the Secretary of a Commercial Convention held in the city of Charleston in June last, a copy of certain resolutions on the subject of the Pacific Railroad, accompanied by a communication from a committee charged by the Convention with certain duties, and enclosing copies of bills, &c., on which the action of the General Assembly of this State is requested. They are herewith communicated and your attention respectfully invited to the consideration of the application.

TAXATION.

The Constitution requires the General Assembly to adopt "an equal and uniform mode of taxation." This

requirement should be obeyed, or the section amended. Justice would seem to require the State to distribute the burthens of Government as she does its benefits—that those who receive the same measure of protection should contribute the same amount to the revenue. This is indeed the policy indicated by the Constitution, but I respectfully suggest that the present revenue laws of the State fail to put it into practice. The law imposes a capitation and property tax upon Lawyers, Doctors, Weighers, Inspectors and Pilots, just as it does upon Planters, Manufacturers, Merchants and Teachers; and yet, in the case of the former, a tax is required on their income, which is not required on the income of the latter. The Government confers no more protection upon the profession of law or medicine, than it does upon those of agriculture or manufactures, and it is difficult to vindicate the justice of a law which imposes upon them an unequal portion of the burthens of Government. Nor are these the only classes against whom the inequality operates. A planter in the country purchases two thousand acres of second rate land, for twenty thousand dollars—he constructs a princely mansion and makes other improvements worth twenty thousand more—he stocks his plantation with horses, mules, implements of husbandry, &c., at a cost of five thousand, and furnishes his house at a cost of another five thousand, making an estate of fifty thousand dollars on which he receives the protection of the Government, and for this he pays $8\frac{1}{4}$ mills per acre on his land, or the sum of sixteen dollars and fifty cents. A mechanic or manufacturer, whose occupation requires him to reside in a town or city, invests fifty thousand dollars in houses and lots for his residence, workshops, &c. On this investment he receives the protection of the Government, and because it happens to be within the corporate limits of, even a villa, he pays twenty-two cents on every hundred dollars value thereof, or the handsome little sum of one hundred and ten dollars. Here are two citizens enjoying the same measure of protection, and under a consti-

tution which requires a "uniform mode of taxation," and yet one pays towards the support of the Government more than six times the amount paid by the other. Again the citizen who has his estate invested at interest, or in property which pays a valuation assessment, contributes twenty-two cents on each hundred dollars; whereas at the present value of slave property, it pays but little, if any, over half as much. A man who owns a saw mill worth four thousand dollars, pays a tax of eight dollars and eighty cents; whereas his neighbor, who owns one thousand head of cattle worth the same amount, pays only two dollars and fifty cents. Can this be "an equal and uniform mode of taxation?" If it is not, then I apprehend that it does not meet the requirements of the Constitution. The question is one of importance, because it affects the relative burthens imposed, and benefits conferred, upon every citizen by the Government of his State. It is submitted for the consideration of the General Assembly, and I respectfully recommend that such modifications be made as will conform the law as nearly as possible to the requirements of the Constitution.

CRIMINAL PROSECUTIONS.

The expenses of prosecuting criminals in this State, have greatly increased within the last few years. For the fiscal year 1850, they amounted to the sum of \$7,457.24; for the fiscal year 1853 to \$13,172.91, and for the last fiscal year to \$13,086.66, being an increase of nearly eighty per cent. in four years. From such an increase of expense we would naturally infer an increase of business, and consequent augmentation of the receipts from that source; but such is not the case. The fines collected in 1850 amounted to \$1,924.10, whereas the fines collected in 1854 were only \$1,626.60, showing that while the expenses increased 80 per cent., the collections decreased over 15 per cent. The payment into the Treasury from this source, amounts to less than one fortieth part of the State's revenue, while the amount paid out is more than one fifth of the entire expen-

ses of the State Government. This subject merits a careful investigation, and is submitted for your consideration with the hope that the source of the evil will be found, and the proper remedy applied.

RETAILER'S LICENSE.

That there is a diversity of opinion among the people of this State on the subject of license generally, there can be no doubt, and that the question has to some extent, and will probably to a still greater extent, be carried to the ballot box in our political elections, we have reason to fear. Like every question affecting the people, it should be referred to them for settlement, and this I think may readily be done. The revenue laws of this State restrict the Boards of County Commissioners, in the exercise of the taxing power, to levying a tax not greater than one half of the tax levied by the State, and this restriction has been held to apply also to the question of license. All that is necessary to enable each County in the State to decide the question for itself, is to remove the restriction on the taxing power. The issue would then be changed from our political to our County elections, and would be contested in the selection of the Boards of County Commissioners. These elections, it will be remembered, come off when there is no political contest in the State, and would be relieved from all party bias. If the sale of intoxicating liquors is a great evil, the people should have the right to relieve themselves from its influence, and whether it is or is not such an evil, those affected by it should have the right to judge.

The General Assembly, at its last session, passed an act providing that "retailers of spirituous liquors shall pay annually the sum of two hundred dollars" for a license. This law, I am of opinion, has been highly beneficial, but it is urged, and with good reason, that it is unequal in its operation. It attempts to lessen the number of retailers, but leaves untouched the dealer from one quart upwards. Should the General Assembly decline to refer the question to the respective County Governments, as I have suggest-

ed, then I respectfully recommend such an amendment of the law as will embrace those who sell intoxicating liquors, without reference to the quantity.

CESSION OF WEST FLORIDA.

I have received from his Excellency, the Governor of Alabama, a copy of a joint resolution of the General Assembly of that State, approved February 15, 1854, proposing that the State of Florida shall cede to the State of Alabama all that portion of her Territory lying west of the Chattahoochee and Apalachicola Rivers, with a request that the said resolution be laid before the General Assembly of this State. I herewith enclose it, and beg leave to remark that a compliance with the wishes of our sister State would transfer the city of Apalachicola, the largest commercial city in Florida—would transfer the Bays of St. Josephs, St. Andrews and Pensacola—would cut off from our jurisdiction one of the most interesting and valuable sea coasts in the United States, and would give to Alabama instead of Florida, at some future day, the great city of the South. Such an act of liberality, I humbly conceive, is more than should be expected, and it is not likely to receive a favorable consideration at the hands of the people's representatives.

STATE LIBRARY.

The Library has received large and valuable additions during the past year. The duties of Librarian have been discharged by the Secretary of State, and his office has been used as a Library Room. I respectfully suggest that a larger room should be provided, and a librarian appointed, with a moderate salary. The books are of great value, and the duties of the office are too onerous to be made an appendage, without compensation, to any office in the Executive Department.

CENSUS AND APPORTIONMENT.

The duty of providing for an enumeration of the inhab-

itants of this State, and for apportioning the representation, will devolve upon the present General Assembly.

The Constitution appears to contemplate the apportionment after the enumeration, and whether it will be competent for the General Assembly to establish the basis and delegate to others the arrangement of details, &c., is a question worthy of consideration.

In connection with this enumeration, I would respectfully suggest that a general table of statistics be arranged, embracing most of the subjects in the United States Census of 1850, and adding the statistics of wealth, including everything of value.

AMENDMENTS OF THE CONSTITUTION.

The 3rd Sec. of the 6th Article of the Constitution provides that "No President, Director, Cashier or other officer of any Banking Company in this State, shall be eligible to the office of Governor, Senator or Representative to the General Assembly of this State, so long as he shall be such President, Director, Cashier or other officer, nor until the lapse of twelve months from the time at which he shall have ceased to be such President, Director, Cashier, or other officer."

The 8th Sec. of the 6th Article provides that "No Governor, Justice of the Supreme Court, Chancellor, or Judge of this State, shall be eligible to election or appointment, to any other and different station, or office, or post of honor, or emolument, under this State, or to the station of Senator or Representative in Congress of the United States, until one year after he shall have ceased to be such Governor, Justice, Chancellor, or Judge."

The 10th Sec. of the 6th Article provides that "No Minister of the Gospel shall be eligible to the office of Governor, Senator, or member of the House of Representatives of this State."

If there were reasons existing at the time when our Constitution was adopted which justified the partial disfranchisement of any citizen, except for crimes which rendered

him unworthy of public confidence, it is believed that they no longer exist, and the policy of excluding from offices of trust any class of citizens, in consequence of their occupation or profession, is exceedingly questionable. I beg leave to call your attention to these sections, and respectfully suggest the propriety of taking the necessary steps to modify or repeal them.

The amendment of our Constitution which changed the Sessions of the General Assembly from annual to biennial, was adopted mainly as a measure of economy. An examination of the average expenses of the Government before and since the change, will show that the results anticipated have been but very partially realized. It is, indeed, doubted whether the true interest of the State does not call for a return to annual sessions. The subject is worthy of the careful consideration of the people's representatives.

FEDERAL RELATIONS.

The present political aspect of the non-slaveholding States of the Union, furnishes cause for serious reflection and apprehension on the part of the South. In 1850, we submitted to a Compromise, as it was termed, which a second time branded us with inequality in the Union. It deprived us of our just right to participate in the settlement of California;—it dismembered a slave State, under a threat of coercion by Federal arms;—it singled out from the great mass of property the controlling property of the South, and denied us the privilege of converting it into money in the District of Columbia: and for these surrenders, what did we receive? We were told that we were compensated by a clear and decided acknowledgment of our constitutional rights on two points. One was the right to reclaim our fugitive slaves, and the other was the recognition and adoption, by the Federal Government, of the great principle of Non-Intervention on the subject of slavery, in the organization of the Territories of the Union. We were told that the Wilmot proviso had been strangled, and that in future the North and the South, like a band of brothers, were to

settle the common Territories, and that they were to be admitted as States when they organized their Governments, with or without slavery, as the inhabitants might determine. With these recognitions, although but the acknowledgment of rights already possessed, the South rested. The fugitive slave law, although fair in theory, and honestly and promptly executed by the Government, has proved in practice worse than useless. Such have been the obstructions thrown in the way of its execution, that in some instances the cost of recovering a single slave have been more than twenty times his value, while in others the blood, and even the life, of the Southern citizen, has atoned for his temerity in availing himself of the provisions of the law.

The organization of the territories of Nebraska and Kansas, furnished an opportunity for testing the sincerity of the country on the subject of Non-Intervention. The introduction of the bills arrayed against the Constitution and the South, the armies of Abolition fanaticism. The men of the South, standing upon the Constitution, cheered on by a noble and distinguished band of Northern Senators and Representatives, and sustained by the power and influence of a patriotic Administration, achieved a victory. The struggle was violent and protracted, but the Constitution triumphed. The Territories were organized. The Missouri restriction which, for more than thirty years, had been branding the South with inequality, was repealed. The question of slavery was referred to the Constitution, Congressional non-intervention established, and the patriot permitted to hope that the Constitution of the country, and equal rights under it, would become the watch-word in every section. Such hopes, however, were doomed to an early disappointment. The passage of these bills only transferred the battle to another field, and was made the signal for new and fanatical organizations in the non-slaveholding States. They inscribed on their banners, "A RESTORATION OF THE MISSOURI RESTRICTION—THE REPEAL OF THE FUGITIVE SLAVE LAW, AND THE ADMISSION OF NO MORE SLAVE

STATES INTO THE UNION." On such a platform they have met, and most signally defeated the men of the Constitution. They have, with possibly a single exception, controlling majorities in every non-slaveholding State, and have, for the first time under our Government, elected a House of Representatives purely and wickedly sectional in its character. In view of all this, the South is calm and unmoved. She is prepared to abide by the Union, made by the Constitution, with equal rights under it. Beyond this, she will be forced to act upon the sentiment, "A union of the South for the protection of the South."

Pledging my co-operation in all constitutional measures calculated to promote the honor and interest of the State, and anxiously desiring the blessing of God upon your deliberations, I am,

Your fellow citizen,

JAMES E. BROOME.

On motion of Mr. Brinson, two hundred and fifty copies of the same and accompanying documents were ordered to be printed for the use of the Senate.

Mr. Long moved that the Secretary of the Senate be authorized to purchase Stationery for the use of the Senate during its present session.

Mr. Myrick moved to amend said motion, by adding that the stationery so purchased shall not exceed seventy-five dollars.

Said amendment was adopted.

Mr. Long moved that a Committee of three be appointed by the President to draft and report Rules for the government of the present session of the Senate ;

Which motion was sustained, and Messrs. Long, Eppes and Brinson appointed said Committee.

Mr. Myrick moved that a committee be appointed by the Senate to receive sealed proposals for the printing to be done for the same for the present session ; that the Committee consist of three members, and that they report on to-morrow.

Mr. Hawes moved as a substitute that the Senate do now proceed to the election of a Printer.

The yeas and nays being called for on the adoption of said substitute, by Messrs. Tracey and Eppes, were :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Hawes, Long and Stewart—8.

Nays—Messrs. Eppes, Gillis, Hopkins, Myrick, Smith and Tracey—6.

So said substitute was adopted.

The Senate then proceeded to the election of a Printer.

Mr. Long nominated Charles E. Dyke.

Mr. Myrick nominated Benjamin F. Allen.

The vote was as follows ;

For **DYKE**—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Hawes, Long and Stewart—8.

For **ALLEN**—Messrs. Eppes, Gillis, Hopkins, Myrick, Smith and Tracey—6.

Mr. Dyke having received a majority of the votes cast, was declared duly elected Printer.

Mr. Myrick moved that a committee be appointed to contract for the printing at the lowest possible rates.

Said motion was adopted, and Messrs. Myrick, Long and Hawes appointed said committee.

Mr. Myrick moved that each member of the Senate be furnished with a copy of the Laws of the last session, and that the Sergeant-at-Arms be required to procure the same ; also the Journal's of the Senate, and for this purpose to call on the Secretary of State.

The President of the Senate announced the following Standing Committees for the present Session :

Committee on the Judiciary. *Committee on Taxation & Revenue.*

Messrs. LONG,
PROVENCE,
EPPESE,
STEWART,
TRACEY.

Messrs. WYNN,
HOPKINS,
LONG,
PROVENCE,
GILLIS.

Committee on the State of the Commonwealth.

Messrs. PROVENCE,
BIRD,
CONE,
SMITH.

Committee on the Militia.

Messrs. KILCREASE,
SMITH,
EPPESE,
STEWART,
MYRICK.

Committee on Federal Relations.

Messrs. BIRD,
PROVENCE,
CONE,
NICHOLSON,
TRACEY.

Committee on Claims & Accounts

Messrs. SMITH,
BRINSON,
HAWES,
MYRICK,
NICHOLSON.

Committee on Agriculture.

Messrs. WYNN,
HOPKINS,
BIRD,
KILCREASE,
CONE.

Committee on Corporations.

Messrs. PROVENCE,
GILLIS,
HOPKINS,
WYNN,
HAWES.

Committee on Schools and Colleges.

Messrs. MYRICK,
FILOR,
LONG,
SMITH,
KILCREASE.

Committee on Propositions and Grievances.

Messrs. HOPKINS,
STEWART,
GILLIS,
SMITH,
BRINSON.

Committee on Internal Improvements.

Messrs. BRINSON,
TRACEY,
NICHOLSON,
HAWES,
BIRD.

Committee on Elections.

Messrs. HAWES,
GILLIS,
BRINSON,
WYNN,
MYRICK.

Committee on Engrossed Bills.

Messrs. FILOR,
GILLIS,
SMITH,
CONE,
EPPES.

Committee on Enrolled Bills.

Messrs. LONG,
EPPES,
HOPKINS,
STEWART,
BRINSON.

Committee on Revision of the Constitution.

Messrs. EPPES,
FILOR,
CRIGLER,
BIRD,
WYNN.

Committee on Executive Department.

Messrs. TRACEY,
KILCREASE,
SMITH,
HOPKINS,
CRIGLER.

On motion of Mr. Hawes, it was ordered that 75 copies of the list of Standing Committees be printed for the use of the Senate.

Mr. Long moved that so much of the Governor's Message as refers to "official reports," be referred to the Standing Committee of the Senate on the Executive Department;

That so much thereof as refers to "Salaries," be referred to the Standing Committee upon Propositions and Grievances;

That so much thereof as refers to "Indians," be referred to the Standing Committee on Indian Affairs;

That so much thereof as refers to "Internal Improvements," be referred to the Standing Committee on that subject;

That so much thereof as refers to "Charters," be referred to the Committee on Corporations;

That so much thereof as refers to "Taxation," be referred to the Standing Committee on Taxation and Revenue;

That so much thereof as refers to "Criminal Prosecutions," be referred to the Standing Committee on the Judiciary;

That so much thereof as refers to "Retailers' License," be referred to the Standing Committee on the State of the Commonwealth;

Also, so much thereof as refers to the subject of the "Cession of West Florida," be referred to the same Committee;

That so much thereof as refers to "State Library," be referred to the Standing Committee on the Judiciary;

That so much thereof as refers to the subject of "Census and Apportionment," be referred to the Standing Committee on the State of the Commonwealth;

That so much thereof as refers to "Amendments of the Constitution," be referred to the Standing Committee on that subject;

That so much thereof as refers to "Federal Relations," be referred to the Standing Committee on that subject;

Which motion was carried.

Mr. Hawes gave notice that on some future day he would ask leave to introduce a Bill, entitled an act granting a charter to the Pilatka and Micanopy Plank Road Company.

Mr. Myrick gave notice that he will at some future day introduce a Bill for the Relief of John B. Anderson, of Jackson County.

Mr. Long asked that the rule be waived and that he be allowed to introduce a Bill without previous notice, entitled an act to empower John Richard Bradford, a minor to assume the management of his own estate, which was granted, and said bill was read the first time and ordered for a second reading on to-morrow.

Mr. Tracy presented the petition and evidence in the case of the contested election between William J. J. Duncan and Henry J. Stewart, Senator from the twelfth Senatorial District, and moved that the same be referred to a Select Committee of three members.

Upon the adoption of said motion, the yeas and nays were called by Messrs. Hopkins and Myrick.

The vote was as follows:

Yeas—Mr. President, Messrs. Eppes, Gillis, Hopkins, Myrick, Smith and Tracey—7.

Nays—Messrs. Bird, Brinson, Cone, Filor, Hawes and Long—6.

So said motion was adopted;

And Messrs. Tracey, Brinson and Hawes appointed said Committee.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
November 29, 1854. }

Hon. President of the Senate:

SIR:—Messrs. Pope, Speer and Dell have been appointed a Committee on the part of the House, to act with a similar Committee on the part of the Senate for the purpose of drafting Joint Rules for the regulation of both Houses of the General Assembly during the present session.

Respectfully,

HUGH A. CORLEY,
Clerk Ho. Reps.

Mr. Long moved that the President appoint a Committee of three

members to act with a similar Committee of the House of Representatives for the purpose of drafting Rules for the government of both Houses of the General Assembly.

Said motion was sustained, and Messrs Long, Bird and Eppes appointed said Committee.

On motion, the Senate adjourned until to-morrow, 10 o'clock A. M.

THURSDAY, November 30, 1854.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of yesterday were read, corrected and approved.

Mr. Smith moved that a committee of three be appointed by the President to select a Chaplain for the Senate.

Said motion was adopted, and Messrs. Smith, Long and Bird were appointed said Committee.

Hon. A. W. Nicholson, Senator elect from the 1st Senatorial District, presented his credentials and was duly sworn by Thomas J. Eppes, a Notary Public.

Mr. Hopkins gave notice that he will on to-morrow, introduce a bill to prevent fraudulent voting in the State.

The Committee appointed to draft and report Rules for the government of the Senate during the present session, reported the following, to-wit:

The committee appointed to draft and report Rules for the government of the Senate during its present session, beg leave to report the following, viz:

RULES OF THE SENATE.

RULE 1. The President shall take the Chair every day at the hour to which the Senate shall have adjourned; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

RULE 2. He shall preserve order and decorum; may speak to points of order, in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Senate by any two members; on which appeal, no member shall speak more than once, unless by leave of the Senate.

RULE 3. He shall rise to put the question, but may state it sitting.

RULE 4. No member shall speak to another, or otherwise interrupt the business of the Senate, while the journals or public papers are being read or pass between the President and any other member who is addressing the Senate.

RULE 5. Every member, when he speaks, shall address the

Chair, standing in his place; and when he has finished, shall sit down.

RULE 6. No member shall speak more than twice in any one debate on the same subject, without leave of the Senate.

RULE 7. When two or more members shall rise at the same time, the President shall name the person entitled to proceed.

RULE 8. When a member shall be called to order, he shall sit down until the President shall determine whether he is in order or not; and every question of order shall be decided by the President without debate; but subject to an appeal to the Senate.

RULE 9. If any member shall be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the President may be better enabled to judge of the matter.

RULE 10. No member shall absent himself from the service of the Senate, without leave of the Senate; and in case a less number than a quorum shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person or persons by them authorized; for any or all absent members, as the majority of such members shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient.

RULE 11. No motion shall be debated until it be seconded.

RULE 12. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President, or any member; delivered in at the table and read, before the same shall be debated.

RULE 13. When a question is under debate, no motion shall be received, but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and the motion to adjourn shall always be in order, unless when a member shall be engaged in addressing the Senate, or when the Senate shall be engaged in taking a vote; and the motions to adjourn and to lie on the table shall be decided without debate.

RULE 14. If the question in debate shall contain several points, any member may have the same divided.

RULE 15. In filling up blanks, the largest sum and the longest time shall be first put.

RULE 16. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate.

RULE 17. When the yeas and nays shall be called for by two of the members present, every member within the bar of the Senate, at the time the question was put by the President, shall (unless, for special reasons, he be excused by the Senate) declare, openly and

without debate, his assent or dissent to the question. In taking the yeas and nays, and upon the call of the Senate, the names of the members shall be taken alphabetically.

RULE 18. On a motion made and seconded to shut the doors of the Senate, in the discussion of any business which may, in the opinion of any member, require secrecy, the President shall direct the gallery to be cleared; and during the discussion of such motion, the doors shall remain shut; and no motion shall be deemed in order to admit any person or persons whatever.

RULE 19. The following order shall be observed in taking up the business of the Senate, to wit: *First*, Motions; *Second*, Petitions, Memorials and other papers, addressed either to the Senate, or to the President thereof; *Third*, Resolutions; *Fourth*, Reports of Standing Committees; *Fifth*, Reports of Select Committees; *Sixth*, Messages from the House of Representatives; and, *Lastly*, Orders of the Day.

RULE 20. When a question has been once made and decided, it shall be in order for any member of the majority to move the re-consideration thereof; but no motion for the re-consideration of any vote shall be in order after a bill, resolution, message, report or amendment, upon which the vote was taken, shall have gone out of the possession of the Senate, announcing its decision; nor shall any motion for re-consideration be in order, unless the same shall be made within the next two days of actual session thereafter.

RULE 21. The President shall have the right to name a member of the Senate to perform the duties of the Chair; but such substitution shall not extend beyond an adjournment.

RULE 22. Before any petition, or memorial, addressed to the Senate, shall be received and read, whether the same be introduced by the President or a member, a brief statement of the contents of the petition or memorial shall verbally be made by the introducer; after which, it may be referred to a committee.

RULE 23. One day's notice, at least, shall be given of an intended motion for leave to bring in a bill.

RULE 24. Every bill, resolution of a public nature, or resolution for the appropriation of the public money, shall receive three readings previously to its being passed, and the President shall give notice at each, whether it be the first, second, or third, which readings shall be on three different days, unless in cases of emergency four-fifths of the Senate may deem it expedient to dispense with the rules.

RULE 25. The first reading of a bill or resolution of a public nature, or for the appropriation of the public money, shall be for the information of the Senate; at which reading, the introducer shall have the right to state the general principles of the bill or resolution, as the case may be, and the causes for introducing it; and if opposition be made to it, the question shall be, "shall the bill or resolution be rejected?" upon which question there shall be no debate. If no

opposition be made, or if the question to reject be negatived, the bill or resolution shall go to a second reading without a question.

RULE 26. No bill or resolution of a public nature, requiring the appropriation of public money, shall be committed or amended, until it shall have been twice read, after which, it may be committed or amended.

RULE 27. When a bill or resolution of a public nature for the appropriation of public money shall have been read the second time, and before both sides of the question shall have been put to the Senate upon its passage, it shall be in order for any member to move its commitment to a committee of the whole house—that it lie on the table—for its indefinite postponement—for its postponement to a day certain—for its commitment to a standing committee—to a select committee—or to amend; which motions shall have precedence in the order above stated. After a bill or resolution shall have been amended, it shall again be read as amended, for the information of the Senate, before the question shall be put upon its passage.

RULE 28. The final question upon the second reading of every bill or resolution, requiring three readings previously to being passed, shall be, “whether it shall be engrossed, and read a third time.”

RULE 29. Before a bill or resolution requiring three readings shall be read the third time in the Senate, it shall be carefully engrossed, (without interlineation or erasure,) under the direction of the Secretary of the Senate, and upon this reading of the bill or resolution, it shall not be committed or amended without the consent of three-fourths of the Senate.

RULE 30. It shall not be in order to amend the title of a bill or resolution, until it shall have passed its second reading.

RULE 31. The title of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

RULE 32. The President of the Senate shall appoint the following Standing Committees, which shall thus be denominated:

1. Committee on the Judiciary.
2. Committee on the State of the Commonwealth.
3. Committee on Corporations.
4. Committee on Schools and Colleges.
5. Committee on Propositions and Grievances.
6. Committee on Internal Improvements.
7. Committee on Elections.
8. Committee on Claims and Accounts.
9. Committee on Engrossed Bills.
10. Committee on Enrolled Bills.
11. Committee on Amendments and Revision of the Constitution.
12. Committee on the Executive Department.
13. Committee on the Militia.
14. Committee on Taxation and Revenue.

15. Committee on Federal Relations.

RULE 33. All confidential communications made by the Governor to the Senate, shall be, by the members thereof, kept secret, until the Senate, by their resolution, take off the injunction of secrecy.

RULE 34. All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor to office, shall be kept secret.

RULE 35. When acting on confidential Executive business, the Senate shall be cleared of all persons, except the Secretary, Sergeant-at-Arms, Messenger and Door-Keeper.

RULE 36. The proceedings of the Senate, when not acting in Committee of the Whole, shall be entered on the Journals as concisely as possible, care being taken to detail an accurate and true account of the proceedings.

RULE 37. Messages shall be transmitted to the House of Representatives by the Secretary; upon each of which shall previously be endorsed by the Secretary, the final determination of the Senate thereon.

RULE 38. Messengers may be introduced in any stage of the business, except while a question is being put, or while the yeas and nays are being called.

RULE 39. The Governor of the State, former Governors of the State and Territory, Senators, and Representatives from this State in the Congress of the United States, State House officers, members of the Representative branch of the General Assembly, and Judges of the Chancery and Circuit Courts of this State, shall be admitted to a seat within the bar of the Senate Chamber, and any other person upon the invitation of a member of the Senate.

RULE 40. The Secretary of the Senate, Sergeant-at-Arms, Messenger and Door-Keeper, shall be severally sworn by the President, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the Senate, when sitting with closed doors.

RULE 41. No member who was without the bar of the Senate when the question was put by the Chair, shall be permitted to vote on the question then before the Senate, without the unanimous consent of the Senate.

RULE 42. No rule herein adopted for the government of the Senate, shall be amended or suspended, without the consent of four-fifths of the Senate.

All of which is respectfully submitted.

M. A. LONG,
Chairman.

Which report was concurred in, and 75 copies ordered to be printed.

Mr. Long, from a Joint Select Committee, made the following report:

The Joint Select Committee appointed by the Senate and House

of Representatives to draft and report Rules for the government of the two branches of the General Assembly, beg leave to Report the following Joint Rules of the General Assembly:

JOINT RULES OF THE GENERAL ASSEMBLY.

RULE. 1. Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When bills shall be enrolled, they shall be examined by a Joint Committee of at least two from the Senate, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall forthwith make a report.

4. When a bill or resolution, which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

5. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days, and leave of two-thirds of that House in which it shall be moved.

6. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

7. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the session.

8. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

9. When elections are required to be made by joint vote of the two Houses, the time of electing shall be previously agreed upon, and each House shall communicate the nominations made therein to the other, prior to the voting.

10. Each House shall communicate to the other the nominations and the result of each voting.

11. In every Joint Committee, the member first named on the part of the House first proposing such Committee, shall convene the same.

12. During the election of officers there shall be no motions entertained, except to adjourn, to proceed to vote, to nominate and to withdraw a candidate—which motions shall have precedence in the order they stand.

13. The doings throughout shall proceed without debate.

14. Communications shall be made on paper, and signed by the Secretary of each House, and transmitted by the Messenger, or Door-keeper.

15. In the election for the Senate of the United States, both Senators shall be voted for at the same time, until one or both of them shall be chosen.

16. In every case of disagreement between the Senate and House of Representatives, either House may suggest conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer at a convenient hour, to be designated by the Chairman; said Committees shall meet and confer freely on the subject of disagreement.

17. Whenever a public bill or resolution is ordered to be printed for the use of either House, a number shall be ordered sufficient for the use of both Houses; and it shall be the duty of the Secretary of the Senate or Clerk of the House, as the case may be, to inform the other House of such order, and to transmit to that House the requisite number of printed copies.

All of which is respectfully submitted.

B. C. POPE,

Chairman of Com. on the part of Ho. Reps.

M. A. LONG,

Chairman of Com. on the part of the Senate.

Which Report was concurred in, and the Secretary ordered to inform the House of the same.

On motion of Mr. Hawes, the Rule was waived so that Mr. Long be allowed to introduce a bill to be entitled, an act to incorporate the Tallahassee and Quincy Plank Road Company;

Which was read the first time and ordered for a second reading on to-morrow.

A bill entitled an act to empower John Richard Bradford, a minor, to assume the management of his own estate;

Was read a second time and ordered for a third reading on to-morrow.

On motion, the Rules were waived and Mr. Eppes gave notice that he would on some future day ask leave to introduce the following bills, to-wit:

A bill to be entitled an act in relation to evidence;

Also, a bill to be entitled an act in relation to slaves and free persons of color;

Also, a bill to be entitled an act to repeal an act to amend the several acts concerning Licenses to retail Spirituous Liquors, approved January, 1853.

On motion the Rules were waived and Mr. Cone allowed to introduce the memorial of certain citizens of Columbia County.

Said memorial was read, and on motion of Mr. Hopkins laid on the table.

On motion, the Rules were waived and Mr. Stewart gave notice that on some future day he would ask leave to introduce a bill to be

entitled an act to alter and amend the attachment Laws now of force in this State.

On motion, the Rules were waived, and Mr. Provence gave notice that he will on some future day, ask leave to introduce a bill to be entitled an act to divide the Eastern Judicial Circuit of Florida into two Judicial Circuits.

The Senate then adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 1, 1854.

The Senate met pursuant to adjournment. A quorum being present, the proceedings of yesterday were read and approved.

The President announced the following Standing Committee :

Committee on Corporations.

MESSRS. PROVENCE,
GILLIS,
HOPKINS,
WYNN,
HAWES.

On motion of Mr. Hopkins, the Memorial, Preamble and Resolutions of the people of Columbia in relation to the establishment of a Bank and Internal Improvements in Florida, which on yesterday was laid on the table,

Was placed among the Orders of the Day.

On motion of Mr. Long,

So much of said Memorial as relates to Banks was referred to the Standing Committee on Corporations;

And so much as relates to Internal Improvements was referred to the Standing Committee on the same.

According to previous notice,

Mr. Hopkins introduced a bill to be entitled An act to prevent fraudulent voting in this State;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Provence gave notice that on some future day he will introduce a bill to be entitled An act amendatory of the revenue laws of this State.

Mr. Hopkins gave notice that on to-morrow he will introduce a bill to be entitled An act governing Judges of Probate in certain cases;

Also, a bill to be entitled An act to prevent the abduction of slaves from this State.

Mr. Brinson gave notice that on some future day he will introduce a bill to be entitled An act to prohibit unqualified persons from selling drugs and medicines, and for other purposes.

Mr. Hawes gave notice that on some future day he will introduce a bill to be entitled An act to change the boundaries of Orange County ;

Also, a bill to be entitled An act granting alternate sections of swamp lands to the Palatka and Micanopy Plank Road Company, and for other purposes.

Mr. Filor gave notice that he will on some future day ask leave to introduce a bill to be entitled An act in relation to pilotage at the port of Key West ;

Also, a bill to be entitled An act to amend An act relative to crimes and misdemeanors.

The Select Committee on printing made the following report :

The Select Committee appointed to contract on the lowest terms practicable, for the printing of the Senate, have considered the subject and beg leave to report as follows :

The Committee called on Mr. Dyke, the printer elected by the Senate to print for the present session, who proposed in writing as follows :

FLORIDIAN OFFICE,
TALLAHASSEE, Nov. 30th, 1854. }

Hon. J. T. MYRICK,
M. A. LONG,
G. E. HAWES,

Gentlemen—Having been elected printer to the Senate, I propose to do the printing on the terms agreed upon and paid by the last two sessions of the General Assembly—that is, \$2 00 per page for 500 copies of the Journals counting one copy, and $\frac{1}{4}$ cent per 100 words for the daily slips of proceedings and all miscellaneous printing, such as Reports, Bills, Slips, &c., counting 75 copies. These prices are considered reasonable and just, and as affording but a moderate compensation for the service required.

Very Respectfully, &c.

(Signed,)

CHARLES E. DYKE.

A majority of the Committee, finding from the Journals of the last Senate, that the terms here proposed are the same that were agreed to at the last session of the Senate, when Joseph Clisby was elected and contracted with, instruct the undersigned to report that the contract has been closed with Mr. Dyke on the terms proposed by him.

All of which is respectfully submitted.

Mr. Myrick, from the same Committee, made the following minority report :

The undersigned, Chairman of the Select Committee appointed by the Senate, begs leave to dissent from the report of the majority of said Committee, and to give his reasons therefor.

1st. The language of the notice making and appointing said Committee, in his opinion, virtually rescinds and annuls the motion elec-

ting Charles E. Dyke as such Printer, except upon the fact that said Dyke does agree to do and furnish the printing for the Senate upon the lowest terms.

2d. The undersigned made known to the majority of the said Committee that he had in his possession a bid from Benjamin F. Allen, a printer in the city of Tallahassee, offering to do the printing of the Senate, (as follows: Furnishing 500 copies of the Journal counting one copy at \$1 50 per page, also for daily slips of proceedings and all other miscellaneous printing, such as reports of the Senate, Bills, Slips, &c., at $\frac{1}{4}$ of a cent per 100 words, counting 75 copies,) for a less amount by some 20 per cent. than Mr. Dyke, and in view of these facts feels bound to make this his minority report.

3d. That in disagreeing with the Committee, the undersigned is actuated solely by a sense of duty, which he owes to his constituents at home, as well as of the State, whose Constitution he has sworn to support, and feels bound to see that no money belonging to the State Treasury should be unnecessarily squandered, politically or otherwise, and respectfully submits the same.

JOHN T. MYRICK,

Chairman of Select Committee of the Senate.

Upon the adoption of the majority Report of said Committee, the yeas and nays were called for by Messrs. Smith and Tracey, and were:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Hawes, Long and Stewart—7.

Nays—Messrs. Eppes, Filor, Gillis, Hopkins, Myrick, Nicholson, Provence, Smith and Tracey—9.

So said Report was not concurred in.

The Select Committee appointed to select a Chaplain, reported that they had secured the services of the Rev. Mr. Turner, and that he will be in attendance on to-morrow.

The following message from the House was received and read:

HOUSE OF REPRESENTATIVES, }
Friday, December, 1, 1854. }

Hon. President of the Senate:

SIR:—The Report of the Joint Select Committee on Rules has been referred back by this House to said Committee.

Very respectfully,

HUGH A. CORLEY,

Clerk Ho. Reps.

On motion of Mr. Hawes, the Rules were waived and leave given Mr. Myrick to introduce a Bill, according to previous notice, to be entitled an act for the relief of John B. Anderson, of Jackson County;

Which was read the first time, the rule waived, and read a second time by its title, and referred to the Committee on Claims and Accounts

ORDERS OF THE DAY.

Engrossed Bill to be entitled an act to empower John Richard Bradford, a minor to assume the management of his own estate ;

Was read the third time.

On the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Stewart and Tracey—15.

Nay—Mr. Provence—1.

So said bill passed—title as stated.

Ordered, to be certified to the House of Representatives.

Bill to be entitled an act to incorporate the Tallahassee and Quincy Plank Road Company :

On motion of Mr. Hawes, the rule was waived, and the bill read a second time by its title and referred to the Standing Committee on Corporations.

On motion of Mr. Hawes,

The Rule was waived, and leave given to Mr. Stewart to introduce a Bill without previous notice, to be entitled an act to repeal the 19th Section of the Seventh Chapter of the Laws relating to crimes and misdemeanors ;

Which was read the first time and ordered for a second reading on to-morrow.

On motion of Mr. Hawes,

Leave of absence was granted to Mr. Eppes, until Monday the 11th inst.

On motion the Senate adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, December 2d, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the journal of yesterday's proceedings was read and approved.

Mr. Brinson announced to the Senate the death of Gen. John S. Broome of Madison County, and moved that a Committee of three be appointed, to act with a similar Committee on part of the House, to draft Resolutions expressive of the deep regret felt by the members of the General Assembly at the death of the brother of his Excellency the Governor, and late Adjutant General of the State of Florida.

Which motion was passed, and Messrs. Brinson, Gillis and Hawes appointed said Committee.

On motion of Mr. Brinson, the Senate adjourned until Tuesday morning next, 10 o'clock.

TUESDAY, December 5, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of Saturday's proceedings was read and approved.

Mr. Brinson gave notice that on some future day he will introduce a bill to be entitled An act granting alternate sections of swamp and overflowed lands for the purpose of removing obstructions in the Suwannee River.

William L. Crigler Senator elect, from the second Senatorial District, presented his certificate and was duly sworn by C. H. Austin a Notary Public.

Pursuant to previous notice, M. Hawes introduced a bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

Which was read the first time by its title, and ordered for a second reading on to-morrow.

Pursuant to previous notice, Mr. Filor introduced a bill to be entitled An act to amend An act relative to Crimes and Misdemeanors;

Which was read the first time and ordered for a second reading on to-morrow.

The Joint Select Committee appointed to draft Resolutions expressive of the sense of the General Assembly in reference to the death of Gen. John S. Broome, made the following report:

The Committee to whom was referred the duty of drafting resolutions expressive of the deep regret felt by the members of the General Assembly at the death of General John S. Broome, brother of his Excellency the Governor, and late Adjutant General of the State of Florida, beg leave to offer the following preamble and resolutions:

WHEREAS, it hath pleased Almighty God to take from amongst us by sudden death, Gen. JOHN S. BROOME, a distinguished fellow citizen, late Adjutant General of the State of Florida, and brother of our present worthy Chief Magistrate, Governor Broome; *And Whereas*, it is proper that this Assembly should give some public expression of their feelings and sympathies on so mournful an occasion: Therefore be it

1. *Resolved, &c.*, That we tender our deepest sympathies to the family of the deceased, and to Gov. Broome, in this their great affliction, and they may take to themselves all the consolation which is derived from a knowledge that the character and virtues of the deceased, were fully known and appreciated by his fellow-citizens.

2. *Be it further Resolved*, That by the death of Gen. Broome, the State has been deprived of one of her oldest, most useful, exemplary and public spirited citizens—one whose public and private virtues are worthy of respect and imitation. If to love one's country, to

obey the laws, to defend its rights and institutions, and to labor and study to promote its interest, be deserving of public commendation, then do we award our praise to the deceased, for he possessed those virtues, which, both in the public officer and the private citizen, are so absolutely necessary for the preservation of our republican institutions and the success of popular governments. Our young State has lost one whom she can ill spare in the tempest which our political horizon shows to be fast approaching, and in which the South will need the services of all her sons—one whose talents and character eminently qualified him to do good service in the defence of State rights and Southern institutions.

3. *Be it further Resolved*, That the Secretary of the Senate be requested to send a copy of these resolutions to the family of the deceased, and to Governor Broome.

WILLIAM A. BRINSON,
Chairman of Senate Committee.
THOS. LANGFORD,
Chairman of House Committee.

Which report was adopted.

The Senate Committee to whom was referred the contested election between William J. J. Duncan and Henry J. Stewart, made the following report:

The Select Committee to whom was referred the evidence in the case of the contested election between William J. J. Duncan, and Henry J. Stewart, Senator from the twelfth Senatorial District, have had the subject under consideration, and beg leave to

REPORT:

That they have failed to agree and respectfully report the same back to the Senate, and ask to be discharged from the further consideration of the same, and respectfully recommend that the Senate go into Committee of the Whole on the subject as early as possible.

E. D. TRACY,
Chairman.

Which was received and read.

ORDERS OF THE DAY.

A bill to be entitled An act to prevent fraudulent voting was read the second time,

And on motion was referred to the Committee on the Judiciary.

A bill to be entitled An act to repeal the 19th section of the 7th chapter of the laws relating to Crimes and Misdemeanors;

On motion, referred to the Committee on the Judiciary.

On motion of Mr. Myrick,

The rule was waived, and the report of the minority of the Committee on Printing taken up and read.

Mr. Myrick moved its adoption, on which question the yeas and nays were called for by Messrs. Smith and Tracey, and were :

Yeas—Messrs. Gillis, Hopkins, Myrick, Nicholson, Smith and Tracey—6.

Nays—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Filor Hawes, Long, Provence, Stewart and Wynn—11.

So said motion was lost.

On motion of Mr. Tracey, the rule was waived, and the Senate went into Committee of the Whole on the Petition of William J. J. Duncan, contestant of the Senatorial Election in the Twelfth Senatorial District—Mr. Provence in the Chair; and after some time spent therein, the Committee rose and by their Chairman reported said petition back to the Senate.

On motion of Mr. Hawes, 75 copies of the evidence in the contested election was ordered to be printed for the use of the Senate.

On motion of Mr. Tracey, the subject was made the special order for day after to-morrow.

On motion the rule was waived, and Mr. Provence moved that a Committee of three be appointed to establish the rates to be allowed the Printer elect for printing.

Mr. Myrick moved as a substitute for said motion that the printing be contracted for on the lowest possible terms, and that a select Committee be appointed for that purpose, and upon the adoption of said substitute, the yeas and nays were called for by Messrs. Smith and Myrick, and were :

Yeas—Messrs. Gillis, Hopkins, Myrick, Nicholson, Smith and Tracey—6.

Nays—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Filor, Hawes, Long, Provence, and Stewart—10.

So said substitute was lost.

Upon the adoption of the original motion, the yeas and nays were called for by Messrs. Myrick and Smith, and were :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Filor, Hawes, Long, Provence and Stewart—10.

Nays—Messrs. Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—6.

So said motion was adopted, and Messrs. Provence, Myrick and Long were appointed said Committee.

On motion, the rule was waived, and leave was given to Mr. Provence to introduce, without previous notice, a Bill to be entitled An act to drain the Alachua Savannah.

Said Bill was read by its title, and on motion, ordered that 75 copies of the same be printed for the use of the Senate.

On motion, the rule was waived, and leave was given to Mr. Provence to present two memorials from the members of the Bar of the Eastern Judicial Circuit, recommending a division of the same into two Judicial Circuits;

Also, that An act be passed enabling the Judges of all the Circuit Courts in this State to hold adjourned terms.

Both memorials were read, and on motion, referred to the Committee on the Judiciary.

On motion, the rule was waived, and Mr. Myrick gave notice, that he would on some future day, introduce a Bill to amend the service necessary to be given by the Sheriff, and other officers, serving Writs, Subpœnas, or other process in the Circuit, and other Courts of this State.

On motion, the Senate adjourned until to-morrow morning, 10 o'clock.

TESTIMONY IN THE CONTESTED ELECTION CASE.

WILLIAM J. J. DUNCAN, Contestant,

vs.

HENRY J. STEWART, Defendant.

In pursuance of subpœnas issued from the Clerk's office of the County of Hamilton, directed to certain persons, to be and appear personally at the Court-house in Jasper, in said County, to testify and the truth to say touching a certain contested election for the office of State Senator, in the County aforesaid, and Twelfth Senatorial District of the State of Florida, on the 1st day of November, A. D., 1854, the following persons were sworn and testified as hereinafter set forth, to-wit :

Joseph D. Bryant, called and sworn, answers that he was a voter at Taylor's Precinct, No. 4, in the County of Hamilton, and voted for William J. J. Duncan for the office of State Senator ; Henry J. Stewart was the opposing candidate, and that the ticket witness voted was endorsed on the back Assembly, and that he believed that such was the proper endorsement, for the office of Senator, and that it was not the intention of witness to vote for William J. J. Duncan for any other office than that of State Senator. Witness voted a ticket endorsed in the same manner for Joseph R. Haddock, for the office of Assemblyman; witness also states that the aforesaid County of Hamilton is not entitled to more than one Representative, at the time of voting, to the Assembly, that said vote was given at the precinct aforesaid on the first Monday in October, A. D., 1854.

JOSEPH D. BRYAN.

John Hunter, called and sworn, answers that he was a voter at Taylor's precinct, No. 4, in the County of Hamilton, and voted for W. J. J. Duncan for the office of State Senator ; that Henry J. Stewart was the opposing candidate, and that the ticket witness voted was endorsed Assembly, and that he believed that such was the proper endorsement for Senator, and that it was not the intention of

witness to vote for W. J. J. Duncan for any other office but that of State Senator. Witness voted ticket endorsed in the same manner for Joseph R. Haddock, for the office of Assemblyman. Witness also states that the aforesaid County of Hamilton was not entitled to more than one Representative to the Assembly at the time of voting, and that said vote was given at the precinct aforesaid, on the first Monday in October, A. D., 1854.

his
JOHN X HUNTER.
mark.

Stephen Lock, called and sworn, answers that he was a voter at Taylor's precinct No. 4, in the County of Hamilton, and voted for W. J. J. Duncan for the office of State Senator; Henry J. Stewart was the opposing candidate, and that the ticket witness voted was endorsed Assembly, and that he believed that such was the proper endorsement for Senator, and that it was not the intention of witness to vote for William J. J. Duncan for any other office than that of State Senator. Witness voted a ticket endorsed in the same manner for Joseph R. Haddock for the office of Assemblyman. Witness also states that the aforesaid county of Hamilton was not entitled to more than one Representative to the Assembly at the time of voting; that said vote was given at the precinct aforesaid on the first Monday in October, A. D., 1854.

STEPHEN LOCKE.

D. D. Crews, called and sworn, answers that he was a voter at Taylor's precinct, No. 4, in the County of Hamilton, and voted for W. J. J. Duncan for the office of State Senator; that Henry J. Stewart was the opposing candidate, and that the ticket witness voted was endorsed Assembly, and that he believed such was the proper endorsement for Senator, and that it was not the intention of witness to vote for W. J. J. Duncan for any other office but that of State Senator. Witness voted a ticket endorsed in the same manner for Joseph R. Haddock for the office of Assemblyman. Witness also states that the aforesaid County of Hamilton was not entitled to more than one Representative to the Assembly at the time of voting, that said vote was given at the precinct aforesaid on the first Monday in October, A. D., 1854.

his
D. X D. CREWS.
mark.

James Hunter and William B. Bryan, called and sworn, say that they were voters at Taylor's precinct, No. 4, in the County of Hamilton, and that they voted for W. J. J. Duncan for the office of State Senator, that Henry J. Stewart was the opposing candidate, and that the tickets they voted were endorsed Assembly, and that they believed such was the proper endorsement for Senator, and that it

was not their intention to vote for W. J. J. Duncan for any other office but that of State Senator. They voted a ticket endorsed in the same manner for Joseph R. Haddock, for the office of Assembly. They also state that the aforesaid County of Hamilton was not entitled to more than one Representative to the Assembly at the time of voting, that said votes were given at the precinct aforesaid on the first Monday in October, A. D., 1854.

his
JAMES ✕ HUNTER.
mark.

his
WILLIAM ✕ B. BRYAN.
mark.

Thomas Lock, William S. Bryan and Benjamin Bryan, called and sworn, say that they were voters at Taylor's precinct No. 4, in the County of Hamilton, and that they voted for W. J. J. Duncan for the office of State Senator, and that Henry J. Stewart was the opposing candidate, and that the tickets they voted were endorsed Assembly, and that they believed such was the proper endorsement for Senator, and that it was not their intention to vote for W. J. J. Duncan for any other office but that of State Senator; that they voted a ticket endorsed in the same manner for Joseph R. Haddock for the office of Assemblyman; they also state that the aforesaid County of Hamilton was not entitled to more than one Representative to the Assembly at the time of voting; that said votes were given at the precinct aforesaid on the first Monday in October, A. D. 1854.

his
THOMAS ✕ LOCK.
mark.

his
WILLIAM ✕ S. BRYAN.
mark.

his
BENJAMIN ✕ BRYAN.
mark.

Daniel K. Shaw, called and sworn, says he was a voter at Taylor's, precinct No. 4, in the County of Hamilton, on the 2nd day of October, A. D. 1854, and that he voted for W. J. J. Duncan for the office of State Senator. Deponent does not know how his ticket was endorsed but believes that it was endorsed Assembly; that it was not his intention to vote for said W. J. J. Duncan for any other office but that of State Senator; that he voted a ticket (which he also believes was endorsed Assembly) for Joseph R. Haddock for the office of Assemblyman, and that at the time of voting, the

aforesaid County of Hamilton was not entitled to but one Representative to the House of Assembly.

his
DANIEL ~~x~~ K. SHAW.
mark.

Lewis H. Bryan and William W. Williams, called and sworn, state that they were managers and voters at Taylor's precinct No. 4, in the County of Hamilton, on the 2nd day of October, A. D. 1854, that they voted for W. J. J. Duncan for the office of State Senator; Henry J. Stewart was the opposing candidate; that the tickets they voted were endorsed Assembly, and that they believed such was the proper endorsement for Senator; it was not their intention to vote for W. J. J. Duncan for any other office but that of State Senator, and that they as managers aforesaid returned properly sealed and directed to the Judge of Probate of Hamilton County, the following vote: For the office of State Senator, the whole number of votes was twenty-seven (27.) The number of twenty-one (21) votes was given for W. J. J. Duncan, and the number of six (6) votes was given for Henry J. Stewart. Deponents further aver that twenty (20) of the aforesaid votes were endorsed Assembly, and that they returned them as Senatorial votes, believing the endorsement on said tickets applicable to said office of Senator, knowing the intention of the voters to be that of voting for the said W. J. J. Duncan for said office of State Senator, and that they never voted for the said W. J. J. Duncan for the office of Assemblyman as corrected by the canvassers on the 5th day of October, A. D. 1854; that the endorsement on said tickets were Assembly and not Assemblyman, as corrected by the canvassers as aforesaid.

L. H. BRYAN,
WILLIAM W. WILLIAMS.

James M. Clardy and John B. Spencer, called and sworn, state that they were canvassers of the vote given for the office of State Senator at Jasper, on the 5th day of October, A. D. 1854, and that the vote given at precinct No. 1 in the County of Hamilton was rejected upon the ground that the same were not returned in terms of law; 1st, because the aforesaid returns were not sealed, and that James M. Clardy and Henry J. Stewart voted to reject the aforesaid vote, and that John B. Spencer voted to receive the same, and that Henry J. Stewart acted as Judge of Probate and was also a candidate for the office of State Senator, at said election; that the above named John B. Spencer voted to receive the aforesaid vote because he did not believe that any fraud had been committed; that the twenty (20) votes given at precinct No. 4, in said County of Hamilton, were endorsed Assembly and not Assemblyman as certified to by the canvassers, on the 5th day of October A. D. 1854, for W. J. J. Duncan for Assemblyman; that the three (3) votes allowed Henry J. Stewart, endorsed Assembly State Senate, and one

(1) for W. J. J. Duncan, endorsed in the same manner, were allowed to them as Senatorial candidates,—Henry J. Stewart three (3) and W. J. J. Duncan one (1); that the canvassers all agreed to certify the twenty (20) tickets endorsed Assembly as for W. J. J. Duncan for the office of Assemblyman, that John B. Spencer, and Henry J. Stewart voted to certify the four (4) tickets endorsed Assembly State Senate, as Senate Tickets, and James M. Clardy voted to certify them as they were endorsed, viz: Assembly State Senate; John B. Spencer avers that popular vote given on the 2nd day of October, 1854, for the office of State Senator, aside from the action of the canvassers, gave to W. J. J. Duncan a majority of twenty (20) votes, and James M. Clardy also avers that such was the majority given the aforesaid W. J. J. Duncan at said election.

JAMES M. CLARDY,
JOHN B. SPENCER.

John H. Baker, called and sworn, says that the managers of the election on the 2d day of October, 1854, for the office of State Senator, held at precinct number one (1) in the County of Hamilton, drew lots for the purpose of deciding who should carry the same to the Court-house, and that said duty devolved on C. C. Williams, one of the managers, and that said Williams, having no horse, and dependent having to come to the Court-house, volunteered to carry the returns aforesaid, and that he was accordingly sworn to carry said returns to the Court-house aforesaid without any alteration, and that said returns were not sealed, that he was requested to seal said returns after having been sworn, but did not do so; there were no wafers he supposes, as the managers said they had none; he does not remember whether all the managers were present or not, when he was requested to seal said returns, but that Farnell and Williams, two of the managers, witness knows were present, at the time said request was made, and witness further avers that he believes the following is a true return of said election for State Senator at said Precinct No. 1, to-wit: The whole number of votes given for the office of State Senator was sixty-four (64) votes, and that the number of thirty-four (34) votes was given for W. J. J. Duncan, and the number of thirty (30) votes was given for Henry J. Stewart as such State Senator, and that he was a qualified voter at said election as aforesaid.

JOHN H. BAKER.

STATE OF FLORIDA, }
County of Hamilton. } S. S.

I, John Frink, Clerk of the Circuit Court in and for the County and State aforesaid, duly commissioned and sworn, do hereby certify that the foregoing affidavits were made and recorded before me as such Clerk, at my office on the 1st day of November, A. D., 1854.

In testimony whereof, I have hereto set my hand and seal of office, [L. s.] at Jasper aforesaid, this 1st day of November, A. D.,

1854, and of the Independence of the United States the 79th year.

JOHN FRINK, Clerk.

STATE OF FLORIDA, } We, the subscribers, Inspectors and
HAMILTON COUNTY, } Clerks of an Election held at the
No. 1 Precinct. } Precinct and County aforesaid, on
Monday, the 2d day of October, 1854, do hereby certify that the
following is a true return of the votes given at said Election at said
Precinct:

For the office of Representative in Congress, the whole number of votes was (69) sixty-nine. The number of (37) thirty-seven votes was given for Augustus E. Maxwell; the number of (32) thirty-two votes was given for Thomas Brown, as such Representative.

For the office of State Senator, the whole number of votes was (64) sixty-four. The number of (34) thirty-four votes was given for Wm. J. J. Duncan; the number of (30) thirty votes was given for Henry J. Stewart, for such State Senator.

For the office of Assemblymen, the whole number of votes given was (64) sixty-four. The number of (34) thirty-four votes was given for Alexander Bell; the number of (30) thirty votes was given for Joseph R. Haddock, as such Assemblymen.

For the office of Register of Public Lands, the whole number of votes given was (34) thirty-four. The number of (34) thirty-four votes was given for David S. Walker, for such Register.

For Removal of the Capitol, the whole number of votes given was (41) forty-one.

JAMES FARNELL, } Inspectors of Election
DAVID R. CREECH, } at
C. C. WILLIAMS, } Precinct, County of

ATTEST:

D. H. D. HUNTER, }
H. D. BURNETT, } Clerks of the Election.

STATE OF FLORIDA, }

HAMILTON COUNTY. } Personally appeared before me, John
Frink, Clerk of the Circuit Court in and for said County, James
Farnell, David R. Creech, and C. C. Williams, who after being duly
sworn, saith, that they were managers of an election held in said
County, at Precinct No. 1, on the 2nd day of October, A. D. 1854,
and at said election, W. J. J. Duncan received for the office of State
Senator, a majority of four votes. Deponents further say, that the
return hereunto attached, is the genuine return as made out by
them, and that said return was given to John H. Baker, a legal
voter at said Precinct, who being sworn to deliver them to the
Judge of Probate unaltered; and deponents further say, that there

being no wafer or sealing wax at said Precinct, that they instructed the said John H. Baker to seal them just as they were enveloped.

Sworn to and subscribed before me } JAMES FARNELL,
this 16th day of November, A. } DAVID R. CREECH,
D. 1854. } C. C. WILLIAMS.

JOHN FRINK, Clerk.

DEFENCE OF HENRY J. STEWART.

Henry J. Stewart says that the law requires a contestant to furnish his opponent with a written notice, setting forth the grounds upon which he intends to rely. That said Stewart was not furnished with a legal notice, and consequently the matter was allowed to go by default. The said Stewart contends that he has the majority of legal votes given in Hamilton County, on the 2nd day of October, A. D. 1854, for the office of State Senator.

He, therefore, prays this honorable Senate to take said matter into consideration.

HENRY J. STEWART.

WEDNESDAY, December 6, 1854.

The Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read, amended and approved.

Pursuant to previous notice, Mr. Hopkins introduced a bill to be entitled, An Act governing Judges of Probate in certain cases ;

Which was read the first time, rule waived, and read the second time, when, on motion, it was referred to the Committee on the Judiciary.

Mr. Hawes presented the memorial of L. H. Bronson, W. A. Forward, W. D. Moseley and others, in relation to the contemplated Plank Road from Pilatka to Micanopy, which was read, and on motion, referred to the Committee on Corporations.

Mr. Provence, from the Committee on Corporations, made the following report:

The Committee on Corporations have had under consideration a bill entitled "An Act to incorporate the Tallahassee and Quincy Plank Road Company," and through me, their Chairman, respectfully

REPORT:

That they recommend the passage of the said bill with the following additional section, viz :

SEC. 15. *Be it further enacted*, That the construction and building of said Road shall be undertaken and commenced within two-

ty-four months from the date of the approval of this bill ; otherwise, all the powers, privileges and immunities herein before granted, shall be forfeited and annulled.

DAVID PROVENCE,

Chairman.

Which report was received, and the amendment as proposed was adopted, and the bill placed among the Orders of the Day for a second reading on to-morrow.

Mr. Provence, from the Special Committee on Printing, made the following report :

The Special Committee, to whom was assigned the duty of fixing the rates of compensation to be allowed to the Printer elect, for printing, through me, their Chairman, beg leave to

REPORT :

That they have agreed upon the following, viz: \$1,50 per page for five hundred copies of the Journal, counting one copy, and $\frac{1}{2}$ cent per hundred words for all miscellaneous printing, such as Reports, Bills, Slips, &c., counting 75 copies.

D. PROVENCE,

Chairman.

Which was read and adopted. .

On motion, the rule was waived, and Mr. Provence was permitted to introduce, without previous notice, a bill to be entitled An Act relating to documentary evidence, which bill was read the first time and ordered for a second reading to-morrow.

On motion, the rule was waived, and Mr. Wynn was allowed, without previous notice, to introduce a Bill to be entitled, An Act for the relief of Dr. C. A. Hentz ;

Which was read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived, and Mr. Crigler, was allowed, without previous notice, to introduce a Bill to be entitled, An Act concerning Interest ;

Which was read the first time and ordered for second reading on to-morrow.

ORDERS OF THE DAY.

A Bill to be Entitled, An Act to Incorporate the Palatka and Mic-anopy Plank Road Company ;

Came up on a second reading ; the rule was waived, the Bill read by its title, and on motion, was referred to the Committee on Corporations.

A Bill to be entitled, An Act to amend An Act entitled An Act relative to crimes and misdemeanors ;

Was read the second time, when, on motion, the Senate went in to Committee of the Whole upon said Bill, Mr. Hawes in the Chair,

After some time spent therein, the Committee rose, and through their Chairman reported the Bill back to the Senate, with amendments, and asked to be discharged.

Which was concurred in, and the Bill as amended was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An Act to authorize the Drainage of Alachua Savannah;

Was read the second time, when, on motion, it was referred to the Committee on Internal Improvements.

On motion of Mr. Tracy, the Senate adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 7, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

On motion, the rule was waived so as to allow Mr. Wynn to introduce, without previous notice, .

A bill to be entitled An act to change the times of holding the Circuit Court in Calhoun County;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Cone gave notice that he would on some future day ask leave to introduce a bill allowing pre-emptions on sixteenth sections.

Pursuant to previous notice, Mr. Myrick introduced a bill to be entitled An act in relation to the service necessary to be given by Sheriffs and other officers;

Which was read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived and Mr. Crigler permitted to introduce, without previous notice,

A bill to be entitled An act to repeal the Road tax of Santa Rosa County;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Hawes gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to appoint the place of holding the Circuit Courts in Orange County.

Pursuant to previous notice, Mr. Filor introduced a bill to be entitled An act to amend An act in relation to pilotage at the port of Key West;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Myrick gave notice that he would on some future day introduce a bill to be entitled An act to abolish the present Supreme Court of this State, and for other purposes;

Also, a bill to be entitled An act authorizing the respective officers who collect the Revenue of this State, to pay over to the respective Judges of Probate of each County, so much of the Revenue as may be received from the Capitation or Poll Tax for the support of the poor of such County, or for schools, as they may, with the approbation of the County Commissioners, direct;

Also, a bill to abolish the Tax now laid upon the cattle of resident citizens of this State, and upon silver watches and pleasure carriages.

Mr. Filor, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have instructed the undersigned to report the following bill as correctly engrossed:

A bill to be entitled, An Act to amend an Act relative to Crimes and Misdemeanors.

JAMES FILOR,
Chairman.

Which was received, and the bill placed among the Orders of the Day.

Mr. Long, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred "a bill to be entitled An Act to repeal the 19th Section of the 7th Chapter of the laws relating to Crimes and Misdemeanors," have had the same under consideration, and instruct the undersigned to report as follows:

The Committee perceive that the object of the bill is to make it lawful for spirituous liquors to be drank and used where purchased, in quantities of one quart or more. By the first section of the Act of 1846, Chap. 91, (page 47, pamphlet,) it is provided that "Any person who shall hereafter sell any quantity of spirituous liquors, and the same shall be drank in the house or houses where the same shall be sold without first having obtained a retail license to retail spirituous liquors, he or they are hereby declared retailers of spirituous liquors, and shall be subject to the same tax and penalties as other retailers are by law;" (Thompson's Dig., 501.) A majority of the Committee are of opinion that the effect of this provision has not materially diminished the quantity of spirits consumed, but that the spirits consumed, when not purchased from retailers of spirits, are now *given*, instead of being sold by the quart; and consequently, if it be regarded as a nuisance and immorality for crowds of persons to assemble in the back rooms of stores, and other similar places, to drink quarts or other larger quantities of liquors, that the above recited act has in practice had no visible effect in abating the same. A majority of the

Committee, therefore, instruct the undersigned to recommend the passage of the bill, with the following amendments, viz:

Amend by striking out all after the enacting clause, and insert:

That hereafter it shall be lawful in this State to allow spirits to be drank at the place or in the house where sold, and all laws contrary to this act are hereby repealed.

This amendment is only necessary to express the object in view in the plainest possible manner, and to avoid ambiguity or uncertainty.

Also, amend the title of the bill by striking out the words "repeal the 19th Section of the 7th Chapter of the laws relating to Crimes and Misdemeanors," and insert the words "allow spirits to be drank where sold."

All which is respectfully submitted.

M. A. LONG, Chairman.

Which was received, and the amendments as proposed were adopted, in lieu of the original bill, and placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, Dec. 7, 1854.

Hon. President of the Senate:

Sir:—The House has passed the following Bills and Resolution, viz:

Bill to be entitled, An Act to restore the force and operation of the general laws of this State, in relation to the migration of free persons of color into this State.

Bill to be entitled, An Act for the relief of Watson W. Leggett.

Bill to be entitled, An Act for the relief of Jose Vigil.

Bill to be entitled, An Act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate.

Resolution to declare Manatee a Port of Delivery.

Senate Bill to be entitled, An Act to empower John Richard Bradford, a minor, to assume the management of his own estate.

Very respectfully,

HUGH A. CORLEY,

Clerk House Representatives.

Which was read, and the accompanying House Bills and Resolution placed among the orders of the day, and the Senate Bill ordered to be enrolled.

ORDERS OF THE DAY.

The subject of the contested Election of Senator from the 12th District having been made the special order of the day for to-day, was taken up;

When on motion, the Senate went into Committee of the Whole for the consideration of the same, Mr. Hawes in the chair.

After some time spent therein, the Committee rose, and through

their Chairman reported the matter back to the Senate, and asked to be discharged from the further consideration of the subject,

When Mr. Provence moved that the Senate adjourn till to-morrow morning 10 o'clock.

Upon which the yeas and nays were called for by Messrs. Hopkins and Myrick, and were:

Yeas—Messrs. Brinson, Cone, Crigler, Filor, Hawes, Provence and Wynn—7.

Nays—Mr. President, Messrs. Bird, Eppes, Gillis, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—10.

So said motion was lost.

Mr. Cone moved that the Senate take a recess till 3 o'clock this afternoon;

Which motion was lost.

Mr. Myrick moved that W. J. J. Duncan be declared duly elected Senator from the 12th Senatorial District.

Mr. Hopkins moved that the returns from precinct No. 1, of Hamilton County, be received;

Which motion was declared out of order by the Chair.

Mr. Long offered the following as a substitute:

Whereas, It appears to the Senate that the election laws of this State were materially disregarded in the election of Senator from the 12th Senatorial district, and that it does not appear that either the sitting member, Henry J. Stewart, or Wm. J. J. Duncan, the contestant, are legally elected to the Senate, therefore it is

Ordered, That said seat be vacated, and the said contested election be referred to the legal voters of said district.

Upon the adoption of said substitute, in lieu of the original motion, the yeas and nays were called for by Messrs. Myrick and Tracy, and were:

Yeas—Messrs. Byrd, Brinson, Cone, Crigler, Filor, Hawes, Long, Provence and Wynn—9.

Nays—Mr. President, Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—8.

So said substitute was adopted.

On motion of Mr. Brinsen, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, December 8th, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read, corrected and approved.

On motion of Mr. Provence, Mr. Hawes was excused from attendance on the Senate, on to-morrow.

8 S

On motion of Mr. Long, Mr. Crigler was excused from attendance on the Senate until Monday next.

On motion,

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 9, 1854.

The Senate met, pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

Pursuant to previous notice, Mr. Eppes introduced a bill to be entitled, An Act in relation to Evidences ;

Which was read a first time, and ordered for a second reading on Monday next.

Pursuant to previous notice, Mr. Eppes introduced a bill to be entitled, An Act in relation to slaves and free persons of color ;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Cone, pursuant to previous notice, introduced a bill to be entitled, An Act in relation to pre-emptions on Sixteenth Sections ;

Which was read the first time and ordered for a second reading on Monday next.

Mr. Eppes gave notice that he will, on some future day, ask leave to introduce a bill to be entitled, An Act to repeal Sec. 4, of An Act amendatory of an act entitled an act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5, 1853, and to provide in lieu thereof ;

Also, a bill to be entitled, An Act for the relief of Benjamin Lucas, for the use of Julius L. Wyman of Franklin County, Florida.

Mr. Eppes moved that the Senate, the House concurring, do adjourn on the 20th inst., *sine die* ;

Which motion was ruled out of order by the Chair.

Mr. Eppes offered the following resolution :

Be it Resolved by the Senate, the House concurring, That this General Assembly do adjourn *sine die* on the 20th inst ;

Which was read the first time and ordered for a second reading on Monday next.

Mr. Long, from the Judiciary Committee, made the following report:

The Judiciary Committee to whom was referred the memorial of the Judge and divers members of the Bar of the Eastern Judicial circuit of this State, praying the establishment of an additional Circuit Court in East Florida, beg leave to

REPORT:

That the Committee are clearly of opinion that the prayer of the

memorialists is reasonable, and ought to be granted, and have, therefore, instructed the undersigned to report the annexed bill to be entitled "An act to create a fifth Judicial Circuit in this State." The passage of which is unanimously recommended by the Committee.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill accompanying the same placed among the Orders of the Day.

On motion of Mr. Cone, 75 copies of the report and bill were ordered to be printed.

Mr. Long, from the Judiciary Committee, to whom was referred the memorial of Judge and Bar of the Eastern Circuit, made the following report :

The Judiciary Committee to whom was referred the memorial of the Judge and members of the Bar of the Eastern Judicial Circuit of Florida, praying the passage of a law authorizing said Judge to hold extra terms of said court, have instructed the undersigned to report as follows :

The Committee have already reported to the Senate a bill to divide the Eastern Circuit, by creating a new Circuit Court in East Florida, and in their opinion this will supercede the necessity of extra terms in the Eastern Circuit, except when contagious diseases may be prevailing at the places appointed by law for holding the regular terms. The Committee, therefore, instruct the undersigned to report the annexed bill to be entitled "An act to allow the Supreme and Circuit Courts of this State to hold extra terms whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious diseases at the time and place or places appointed by law for holding the regular terms."

All of which is respectfully submitted.

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill accompanying the same read the first time, and ordered for a second reading on Monday next.

Mr. Smith, from the Committee on Claims and Accounts, to whom was referred a bill to be entitled An act for the relief of John B. Anderson, made the following report :

The Committee on Claims and Accounts, to whom was referred the bill to be entitled An act for the relief of John B. Anderson, ask leave to

REPORT :

That they have had the same under consideration, and find that though the bill was reported against at the last session of the Assembly, they think it is entitled to some consideration, and therefore

recommend the bill to the favorable notice of the Senate, with the following amendments:

The blank space in said bill to be filled with the words, "one hundred and two dollars and forty two and a half cents."

All that part relating to interest to be stricken out.

Very Respectfully,

JAMES W. SMITH,

Chairman.

Which was received and read, and the bill placed among the Orders of the Day for a second reading on Monday next.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 8, 1854. }

Hon. President of the Senate:

SIR:—The following Bills have been passed by the House:

Bill to be entitled An act to authorize Henry Benner to establish a ferry across the Withlacoochee River;

Bill to be entitled An act to authorize Allen Mondin to establish a toll bridge across the Withlacoochee River;

Bill to be entitled An act to authorize Neil Monroe to establish a Ferry across the Withlacoochee River;

Bill to be entitled An act for the relief of Henry Christy and Theophilus Higginbotham.

Very Respectfully,

HUGH A. CORLEY,

Clerk Ho. Reps.

Which was read, and the bills placed among the Orders of the Day.

ORDERS OF THE DAY.

On Motion of Mr. Hopkins, the substitute of Mr. Long in regard to the contested election from the 12th Senatorial district,

Was taken up.

On motion of Messrs. Hopkins and Tracy a call of the Senate was had.

The following persons answered to their names, viz:

Mr. President, Messrs. Brinson, Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—9.

There being no quorum present, on motion, the Sergeant-at-Arms was sent for the absent members.

On motion, the further call of the Senate was dispensed with.

On motion of Mr. Myrick, the substitute of Mr. Long in regard to the contested election, was ordered for a second reading on Tuesday next.

House bill to be entitled "An act to restore the force and opera-

tion of the general laws of this State in relation to the migration of free persons of color in this State ;”

Was read the first time, and 75 copies ordered to be printed.

House bill to be entitled An act for the relief of Jose Vigil ;

Was read the first time, and ordered for a second reading on Monday next.

House bill to be entitled An act for the relief of Watson W. Leggett ;

Was read the first time, and ordered for a second reading on Monday next.

House bill to be entitled An act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate ;

Was read the first time, and ordered for a second reading on Monday next.

House resolution to declare Manatee a Port of Delivery ;

Was read the first time, and ordered for a second reading on Monday next.

A bill to be entitled An act to Incorporate the Tallahassee and Quincy Plank Road Company ;

Was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled An act to allow spirits to be drank where sold ;

Was read a second time.

Mr. Long moved to lay the same on the table for the present ;

Upon which motion the yeas and nays were called for by Messrs. Eppes and Myrick, and were :

Yeas—Mr. President, Messrs. Filor, Gillis, Kilcrease, Long, Myrick, Nicholson, Smith and Wynn—9.

Nays—Messrs. Eppes, Hopkins, Provence and Tracy—4.

So the said bill was laid on the table. .

A bill to be entitled An act relating to documentary evidence ;

Was read a second time.

On motion it was referred to the Committee on the Judiciary.

A bill to be entitled An act concerning Interest was read a second time.

On motion, it was referred to the Committee on the Judiciary.

A bill to be entitled An act for the relief of Doctor C. A. Hentz ;

Was read the second time.

On motion, referred to the Committee on Claims and Accounts.

A bill to be entitled An act to repeal the Road Tax of Santa Rosa County ;

Was read the second time, and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled An act to amend An act in relation to the service necessary to be given by Sheriffs and other officers ;

Was read a second time, and, on motion, referred to the Committee on the Judiciary.

A bill to be entitled, An Act to change the time of holding Circuit Court in Calhoun County ;

Was read a second time.

On motion of Mr. Eppes the bill was laid on the table.

A bill to be entitled, An Act to amend an act in relation to Pilotage at the port of Key West ;

Was read a second time, and ordered to be engrossed for a third reading on Monday next.

An Engrossed Bill to be entitled An Act to amend an act relative to crimes and misdemeanors ;

Was read a third time, when, on motion, the bill was again referred back to the Committee on the Judiciary.

House bill to be entitled An Act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ;

Was read a first time, and ordered for a second reading on Monday next.

House bill to be entitled An Act to authorize Allen Mondin to establish a toll-bridge across the Withlacoochee River ;

Was read a first time.

On motion of Mr. Provence the rule was waived, and the bill read a second and third time by its title, and upon the question of its passage, the vote was :

Yeas.—Mr. President, Messrs Brinson, Filor, Gillis, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—12.

Nays—Mr. Kilcrease—1.

So the bill passed, title as stated.

Ordered that the same be certified to the House.

House bill to be entitled An act to authorize Henry Benner to establish a Ferry across the Withlacoochee River ;

Was read the first time.

On motion of Mr. Provence, the rule was waived, the bill read the second and third time by its title, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Brinson, Eppes, Filor, Gillis, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—13.

Nays—Mr. Kilcrease—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House.

On motion the rule was waived, and Mr. Provence moved that a committee be appointed on Census and Apportionment ;

Which motion was adopted.

On motion of Mr. Myrick, the rule was waived, and he gave notice that he will on Monday next, or some future day, introduce a

bill to authorize E. B. M. Spivey to establish a Ferry across the Chattahoochee River at Brown's Ferry, in Jackson County.

On motion of Mr. Long, the Senate adjourned till Monday morning, 10 o'clock.

MONDAY, December 11, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of Saturday's proceedings was read and approved.

The following bills which had passed the Senate were transmitted to the House, viz :

House bill to be entitled An act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River ;

House bill to be entitled An act to authorize Henry Benner to establish a Ferry on the Withlacoochee River.

The President announced the following Committee on Census and Apportionment :

MESSRS. PROVENCE,
LONG,
FILOR,
EPPES,
HOPKINS.

Mr. Nicholson moved that so much of the Governor's Message as relates to the Cession of West Florida, be withdrawn from the Standing Committee on the State of the Commonwealth, and be referred to a Select Committee of five, to be appointed by the President of the Senate ;

Which motion was carried, and Messrs. Nicholson, Eppes, Myrick, Hawes and Brinson were appointed said Committee.

Mr. Nicholson gave notice, that on some future day he will introduce a bill to authorize William Webb to establish a Ferry across the Escambia Bay.

Pursuant to previous notice, Mr. Hawes introduced a bill to grant certain lands to the Palatka and Micanopy Plank Road Company ;

Which was read the first time, and ordered for a second reading on to-morrow.

Pursuant to previous notice, Mr. Myrick introduced the following bills, viz :

A bill to authorize the respective officers collecting the revenue of this State to pay over the Capitation or Poll Tax, and for other purposes ;

A bill to abolish the tax now levied on certain subjects of taxation;

A bill to establish a ferry at Brown's ferry in Jackson county.

Said bills were read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived, and Mr. Myrick permitted to introduce, without previous notice, the following bills, viz:

A bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County;

A bill for the relief of Judges of Probates and for other purposes.

Said bills were read the first time, and ordered for a second reading on to-morrow.

Mr. Wynn offered the following Resolution:

Resolved by the Senate, the House concurring, That the General Assembly proceed to the election of a Senator to the United States Senate, a Comptroller of Public Accounts, a Treasurer, and a Clerk of the Supreme Court, on Thursday next, the 14th inst.;

Which was adopted.

Mr. Hopkins offered the following preamble and resolution:

WHEREAS, The Gentlemen composing the Board of Internal Improvement are now in this city engaged in the performance of the duty assigned them: Therefore be it

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Treasurer be directed and the Comptroller authorized to pay and audit the accounts of said Board at the same rate of per diem and mileage as are allowed members of the General Assembly;

Which was read the first time and ordered for a second reading on to-morrow.

Mr. Brinson from the Committee on Internal Improvements made the following report:

The Committee on Internal Improvements, to whom was referred a bill to be entitled, An Act authorizing the drainage of the Alachua Savannah, have had the same under consideration, and beg leave to

REPORT:

The lands proposed to be reclaimed are overflowed lands lying in one body in the County of Alachua, and known as the Alachua Savannah or Payne's Prairie, and comprise some fifteen or twenty thousand acres. They are exclusively the property of individuals, and no aid from the State is desired or expected. Your committee recommend the passage of the bill with the following amendment. That in the 4th Section, second line, strike out number and substitute quantity and quality.

Respectfully submitted,

WILLIAM A. BRINSON,

Chairman.

Which was received and read, and the amendment of the committee concurred in, and the bill as amended placed among the orders of the day.

Mr. Filor from the Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills, beg leave to report the following bills as correctly engrossed :

A bill to be entitled, An Act to amend an act in relation to Pilotage at the Port of Key West ;

A bill to be entitled, an act to incorporate the Tallahassee and Quincy Plank Road Company ;

An Act to repeal an act entitled an act in relation to a road tax in the Counties of Santa Rosa and Escambia, as far as it relates to the County of Santa Rosa.

Respectfully submitted,
JAMES FILOR,

Chairman.

Which was received and read, and the accompanying Engrossed Bills placed among the orders of the day.

Mr. Long from the Judiciary Committee, made the following report ;

The Judiciary Committee, to whom was referred a bill to be entitled An act governing Judges of Probate in certain cases, have carefully considered the same, and they unanimously approve the general object of the bill, as apparent upon its face, and as explained by its author, namely : to prevent Judges of Probate from acting in any cases of elections in which they are interested.

The Committee, therefore, have instructed the undersigned to recommend the amendment of the bill by striking out all after the enacting clause, and inserting the three following sections :

SECTION 1. That from and after the passage of this Act, it shall not be lawful for any Judge of Probate, within this State, to act in any matters now made his duty by law, wherein said Judge is in any wise interested, but it shall be the duty of the several Clerks of the Circuit Court in this State, and they are hereby required to perform the said duties of said Judges in all matters whatsoever in which the said Judges are interested.

SEC. 2. *Be it further enacted*, That it shall be the duty of the several Judges of Probate in this State, when disqualified for reasons of interest, as in this act mentioned, to notify the Clerks of the Circuit Court of their respective Counties, to attend and discharge their said duties, and in no instance shall any Judge of Probate act in any matters in which he is interested, and if any one presumes so to do, his acts are hereby declared null and void.

SEC. 3. *Be it further enacted*, That the several Clerks, when discharging the duties of any Judge of Probate under this act, shall re-

ceive the same compensation as is now provided for by law for the Judges of Probate for like services.

The foregoing amendment will not only prevent the particular abuse intended to be corrected by the original bill, but all others of a like character which can arise; it being the opinion of the Committee that it should not be lawful for Judges of Probate to audit and approve the accounts of estates of deceased persons in any cases in which they shall be acting as Executors, Administrators, Distributees, Legatees or Creditors. The proposed amendment appears to the Committee to be sufficient to the whole subject. The bill when so amended, ought to be passed, in the opinion of the Committee. Respectfully submitted.

M. A. LONG,
Chairman Judiciary Committee.

Which was received and read, and the accompanying bill placed among the orders of the day.

Mr. Long from the Judiciary Committee made the following report:

The Judiciary Committee, to whom was referred a bill to be entitled, An Act to prevent fraudulent voting, having considered the same, instruct the undersigned to recommend the passage of said bill, without amendment, as highly necessary to the purity of the ballot box.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Committee.

Which was received and adopted, and the bill accompanying the same placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, December 9, 1854.

Hon. President of the Senate:

SIR:—The House has passed the following bills:

Bill to be entitled, An Act to legitimize Lucinda Read, and to make her the heir at law of William M. Read, of the County of Hamilton, Florida;

Bill to be entitled, An Act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate.

Very respectfully,

HUGH A. CORLEY,
C'l'k House Rep's.

Which was read; and the accompanying bills placed among the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled, An Act granting pre-emption rights to settlers on the 16th sections;

Was read, the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act in relation to Evidence ;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act in relative to slaves and free persons of color ;

Was read the second time, and on motion referred to the Committee on the Judiciary.

A resolution in relation to adjournment of General Assembly sine die on the 20th inst. ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Brinson, Cone, Eppes, Filor, Gillis, Hopkins, Myrick, Tracey and Wynn—9.

Nays—Mr. President, Messrs. Bird, Hawes, Kilcrease, Long, Nicholson and Provence.—7.

Said resolution passed.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled, An Act to allow the Supreme and Circuit Courts to hold extra terms ;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act to create a fifth Judicial Circuit in this State ;

Came up on its second reading.

On motion of Mr. Provence, the Senate resolved itself into a Committee of the Whole on said bill—Mr. Tracy in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported the bill, with amendments, and recommended its passage, and asked to be discharged from the further consideration of the same.

Which report was concurred in.

The bill as amended was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill for the relief of J. B. Anderson, of Jackson County ;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

House bill to be entitled, An act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color into this State ;

Was read the second time and ordered to be read a third time on

to-morrow.

A bill to be entitled, An Act for the relief of Jose Vigil ;

Was read the second time and ordered to be read a third time on to-morrow.

Was read the second time and ordered to be referred to the Committee on Propositions and Grievances.

House bill to be entitled, An act for the relief of Henry Christy and Theophilus Higginbotham ;

Was read a second time, and on motion was referred to the Committee on Propositions and Grievances.

House bill to be entitled, An act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ;

Was read the second time, rule waived, read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Tracy and Wynn—15.

Nay—Mr. Kilcrease.—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate ,

Was read the second time, rule waived, read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Tracy and Wynn—15.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act for the relief Watson W. Leggett ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Hawes, Hopkins, Kilcrease, Long, Myrick, Provence, Tracy and Wynn—12.

Nays—Messrs. Eppes, Filor, Gillis and Nicholson—4.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Resolution to declare Manatee a Port of Delivery ;

Was read the second time, the rule waived, the resolution read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Tracy and Wynn—16.

Nays—None.

So said resolution passed.

Ordered that the same be certified to the House of Representatives,

House bill to be entitled, An act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate;

Was read the first time and ordered for a second reading on to-morrow.

House bill to be entitled, An act to legitimize Lucinda Read and to make her heir at law of William M. Read, of the County of Hamilton, Florida;

Was read the first time and ordered for a second reading on to-morrow.

An engrossed bill to be entitled An act to amend An act in relation to pilotage at the port of Key West;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Tracy and Wynn—15.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill to be entitled An act to repeal the road tax of Santa Rosa County ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Tracy and Wynn—15.

Nays—none.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

An Engrossed Bill to be entitled, An Act to Incorporate the Tallahassee and Quincy Plank Road Company, was read the third time :

On motion of Mr. Long, said bill was laid upon the table for the present.

On motion, the Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, December 12, 1854.

The Senate met pursuant to adjournment.

A quorum being present, the Journal of yesterday's proceedings was read and approved.

The following Bills and Resolutions, which had passed the Senate, were transmitted to the House of Representatives, viz :

House Bill to authorize Andrew J. Smiley, a minor, to assume the management of his own estate;

House Bill to authorize Neil Monroe to establish a Ferry across the Withlacoochee River;

A Bill to repeal the Road Tax of Santa Rosa County;

A Bill to amend An act in relation to Pilotage at the Port of Key West;

House Bill for the relief of Watson W. Leggett;

House Resolution to declare Manatee a Port of Delivery;

A Resolution in relation to the election of officers therein named;

A Resolution designating adjournment of the General Assembly.

Mr. Hawes gave notice, that he will on some future day ask leave to introduce a bill to be entitled An Act in relation to a road tax in the counties of Putnan and Marion.

Mr. Nicholson gave notice, that he will on some future day, ask leave to introduce a bill to incorporate the Perdido and Lagoon Canal Company.

Pursuant to previous notice, Mr. Eppes introduced a bill entitled An act to repeal section 4, of an act amendatory of an act entitled An act to establish and organize a Mayor's Court for the city of Apalachicola, approved January 5th, 1853;

Which was read the first time and ordered to be read a second time on to-morrow.

On motion, the rule was waived, and Mr. Eppes permitted to introduce without previous notice a bill to repeal An act entitled An act to amend the several acts concerning Licenses to retail spirituous liquors, approved January 8th, 1853;

Which was read the first time, the rule waived, and read the second time.

On motion of Mr. Provence, the Senate resolved itself into Committee of the Whole on said bill, Mr. Hopkins in the Chair.

After some time spent therein, the Committee rose, and by their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration of the same;

Which was received.

On motion, ordered that seventy-five copies of said bill as amended be printed for the use of the Senate.

On motion, the rule was waived, and Mr. Myrick permitted, without previous notice, to introduce a bill in relation to Common Law Proceedings.

Said bill was read the first time, the rule waived, read the second time by its title, and on motion referred to the Committee on the Judiciary.

On motion, the rule was waived, and Mr. Filor permitted, without previous notice, to introduce a bill to be entitled, An act in relation to the migration of free persons of color into the Port of Key West.

Said bill was read the first time, the rule waived, read the second and third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Briusson, Cone, Eppes, Filor,

Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Hawes presented a presentment of the Grand Jury of Putnam County in relation to the proposed Palatka and Micanopy Plank Road Company;

Which was read, and on motion laid upon the table.

Mr. Hawes presented a memorial from certain citizens of Orange County in relation to abridging the boundaries of said County;

Which was read, and on motion, laid upon the table.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
December 9, 1854. }

To the Honorable H. V. SNELL,

President of the Senate :

SIR:—I respectfully nominate Jacob A. Garrard and Cyprian T. Jenkins as Notarys Public in and for the County of Hernando, and James A. Boyet and John E. Johnson as Auctioneers in and for the said County of Hernando.

JAMES E. BROOME.

Which was read, and the nominations therein named, confirmed by the Senate;

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
Tallahassee, December 9, 1854. }

To the Honorable H. V. SNELL,

President of the Senate :

SIR:—I nominate William P. Dewees for the office of Notary Public, in and for Duval County.

JAMES E. BROOME.

Which was read, and the nomination therein named, confirmed by the Senate.

Mr. Eppes, from the Committee on Revision of the Constitution, made the following report:

The Committee on Revision of the Constitution, to whom was referred so much of the Governor's Message as relates to that subject, have duly considered the suggestions of the Executive, and beg leave to

REPORT:

That in their opinion, the causes subsisting at the time of the adoption of our State Constitution for the exclusion from office

of any "President, Cashier or other officers of Banking Corporations," have ceased to exist, and are no longer of any vitality or importance; and whatever the wisdom, or how great the spirit of justice in which they were conceived, now that those causes have ceased, and the reasons disappeared, it would alike be unwise as unjust to partially disfranchise any persons not obnoxious for reasons of State or national policy. The dictates of freedom, and the policy of our Government, alike point to such a conclusion.

In their opinion, also, the clause in the 8th Section of the 6th Article of the Constitution, prohibiting any Governor of the State from being "eligible to election or appointment to any other or different station or office, or post of honor, or emolument under this State, or to the station of Senator or Representative in Congress of the United States, until one year after he shall have ceased to be such Governor," was ever the intimation of a groundless fear, and a useless requirement, without reason in its inception and useless to continue.

While, however, in these requirements, is to be witnessed the studious zeal and penetrating forecast of the founders of our Constitution, for the preservation at once of the liberty and purity of our Government in the qualification of its officials, yet they can but suggest that the reasons, as regards the two classes named, having ceased, justice and equality demand their repeal.

The Committee, however, cannot so readily perceive any cause for removing the Constitutional disability as to Judges, Justices, Chancellors and the Clergy.

Those high officials should, in their opinion, be alike removed from the influences of the world and all considerations, thoughts, feelings, tendencies or impressions derived therefrom. The purity at once of the Altar and the spotless ermine of the Bench, are better preserved by such a provision; and while they feel such denial is not intended as an abridgement of their several and individual rights, they can but say, they recognize in it a high compliment to their peculiar and deservedly respected and exalted stations.

The Committee also suggest, that no change be made from Biennial to Annual Sessions. The system is yet new, and scarcely tested; while the experience of other States demonstrates that a change of this kind, though at first apparently not so economical, yet in its progress and consummation becomes most so. They are willing to test the system fully, and unwilling to impose the great expense of "Annual Assemblages" upon the people.

In accordance with these views, the undersigned is instructed to report the following amendments to the Constitution, and recommend their adoption.

All of which is respectfully submitted.

T. J. EPPES,
Chairman.

Which was received and read, and the accompanying bill placed among the Orders of the Day.

Mr. Long, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred "An act to amend an act relative to Crimes and Misdemeanors," having had, the same under consideration, have instructed the undersigned to

REPORT:

That the Committee have conferred with the author of the bill and learn that his object is to cause the laws now in force on the subject to be more effectually enforced in Monroe County. To this end, the undersigned is instructed to report the following bill in lieu of that referred, as better meeting the views of the Committee and of the author of the original bill.

Respectfully submitted.

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill placed among the Orders of the day.

Mr. Long, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred "a bill to be entitled An Act to amend An Act in relation to the service necessary to be given by Sheriffs and other Officers," have carefully considered the same, and instruct the undersigned to report that said bill do not pass.

The Committee find that the existing law provides for the service of process by reading the same to the defendant, or delivering him a copy thereof, or leaving such copy at his usual place of abode, with some person of the family above the age of fifteen years. The committee are of opinion that it is against common right to hold a citizen to appear and defend or testify in any cause, in Courts of Justice, without due and proper notice, and that the provisions of the bill under consideration might and probably would justify the suing of citizens when innocently or temporarily absent from home.

If in any cases it is suspected that persons are in the habit of evading the process of law, either by "absconding or concealing themselves," the law at present fully provides for suing them by attachment. As the object of the service of process is to give notice to the party against whom it is issued, the committee are aware of no sound principle upon which it can be dispensed with. If the party is absent from his usual place of abode innocently, then it would seem just that the process should remain until his return, for the process posted on the door may be destroyed or removed before his return; and if the party be absent to evade the service of process, then his property is subject to attachment. So that the committee con-

clude that no sufficient reason exists for the proposed amendment of the law, and they fear that the passage of the bill before them would lead to mischievous abuse, and be used for purposes not contemplated by its author.

Respectfully submitted,
M. A. LONG,
Chairman Judiciary Committee.

Which was received and read, and the Bill placed among the Orders of the Day.

Mr. Filor from the Committee on Engrossed Bills made the following report :

The Committee on Engrossed Bills beg leave to report the following bills as correctly engrossed :

A bill to be entitled, An act to allow the Supreme and Circuit Courts to hold extra terms ;

A bill to be entitled, An act in relation to Evidence ;

A bill to be entitled, An act granting pre-emptions on Sixteenth Sections ;

A bill to be entitled, An act for the Relief of John B. Anderson.

Respectfully submitted.

JAS. FILOR, Chairman.

Which was received and read, and said Engrossed Bills placed among the Orders of the Day.

Mr. Provence, from the Committee on Corporations, made the following report :

The Committee on Corporations, to whom was referred a bill entitled " A Bill to incorporate the Palatka and Micanopy Plank Road Company," have had the same under consideration, and through me, their Chairman, ask leave to

REPORT:

That the 9th Section of said bill asks a subscription of fifteen thousand dollars from the Internal Improvement Fund. Your Committee have not been able to find a precedent of any appropriation to similar works, but on the contrary that such applications have been usually denied. Therefore your Committee regret that they cannot recommend the passage of the bill, with the above named Section. They, however, recommend its passage with the said 9th Section stricken out.

D. PROVENCE,

Chairman.

Which was received and read, and the report of the Committee concurred in, and the bill placed among the Orders of the Day.

Mr. Long, from the Committee on Enrolled Bills, made the following report :

The Committee on Enrolled Bills beg leave to

REPORT:

That they have examined " An act to empower John Richard

Bradford, a minor, to assume the management of his own estate," and find the same correctly enrolled.

Respectfully submitted,

M. A. LONG,
Chairman.

Which was read.

ORDERS OF THE DAY.

The subject of the contested election in the 12th Senatorial district, came up as the special order for to-day.

The substitute of Mr. Long was passed as the order of the Senate by the following vote :

Yeas—Messrs. Bird, Brinson, Cone, Hawes, Kilcrease, Long, Provence and Wynn—8.

Nays—Mr. President, Messrs. Gillis, Hopkins, Myrick, Nicholson and Tracy—6.

Ordered that his Excellency the Governor be informed of the vacancy.

A bill to be entitled, An act granting certain lands to the Palatka and Micanopy Plank Road Company ;

Came up on its second reading.

On motion, the Senate resolved itself into a Committee for the consideration of said bill, Mr. Long in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported the bill back to the Senate, and asked leave to sit again ;

Which was granted.

On motion of Mr. Hopkins, the bill was laid upon the table for the present, and seventy-five copies ordered to be printed for the use of the Senate.

A bill to authorize revenue officers to pay over poll tax, and for other purposes ;

Was read the second time.

On motion it was referred to the Committee on Taxation and Revenue.

A bill for the relief of Judges of Probate and for other purposes ;

Was read the second time.

On motion of Mr. Eppes, it was referred to the Committee on the Judiciary.

A bill to abolish the tax on certain property therein named ;

Was read the second time.

On motion of Mr. Provence, it was referred to the Committee on Taxation and Revenue.

A bill to establish a Ferry at Brown's Ferry on the Chattahoochee river ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—Mr. Kilcrease—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to consolidate the office of Sheriff and Tax-Assessor and Collector of Jackson County ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provenance, Smith, Tracy and Wynn—17.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to authorize the drainage of Alachua Savannah ;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A resolution in relation to payment of the members of the board of Internal Improvement ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provenance, Smith, Tracy and Wynn—18.

Nays—None.

So said resolution passed.

Ordered to be certified to the House of Representatives.

A bill governing Judges of Probate in certain cases ;

Was read the second time, and ordered to be engrossed, for a third reading on to-morrow.

A bill to prevent Fraudulent Voting ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provenance, Smith, Tracy and Wynn—17.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to restore the force and operation of the general laws in this State, in relation to the migration of free persons of color ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Providence, Smith, Tracy, and Wynn—17.

Nays—None.

So said bill passed, title as stated.

Ordered that the be same certified to the House of Representatives.

House bill to allow Jackson Lee, a minor, to manage his own estate ;

Was read the second time, the rule waived, read the third time and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Providence, Smith, Tracy and Wynn—17.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to legitimize Lucinda Read ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Gillis, Hawes, Hopkins, Kilcrease, Long Myrick, Nicholson, Providence, Smith and Tracy—15.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill for the relief of John B. Anderson of Jackson County ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Providence, Smith and Tracy—16.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

An Engrossed Bill granting pre-emptions on Sixteenth Sections ;

Was read the third time.

On motion, the rule was waived, and Mr. Cone moved to refer the said Bill to a Select Committee ;

Which motion prevailed, and Messrs. Cone, Kilcrease and Bird were appointed said Committee.

An Engrossed Bill to allow the Supreme and Circuit Courts to hold extra terms;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith and Tracy—16.

Nays—None.

So said bill passed—title as stated.

Ordered to be certified to the House of Representatives.

An Engrossed Bill in relation to Evidence;

Was read the third time, and upon the question of its passage the vote was;

Yeas—Messrs. Brinson, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith and Tracy—13.

Nays—Mr. President, Messrs. Bird and Kilcrease—3.

So said bill passed—title as stated.

Ordered to be certified to the House of Representatives.

A bill to incorporate the Palatka and Micanopy Plank Road Company;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

On motion, the rule was waived, and Mr. Eppes moved that the Judiciary Committee be instructed to inquire into the propriety of providing by law for appeals to the Circuit Courts of this State from orders or decisions of the respective Boards of County Commissioners of this State, and that said Committee report by bill or otherwise;

Which was adopted.

On motion, the Senate adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, December 13, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

The decision of the Senate, in relation to the contested Election from the 12th Senatorial District, was transmitted to his Excellency the Governor.

The following bills and resolution which had passed the Senate were transmitted to the House, viz:

House bill to be entitled, An Act to restore the force and operation of the general laws of this State, in relation to the migration of free persons of color into this State;

House bill to be entitled, An Act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate;

House Bill to be entitled, An Act to legitimize Lucinda Read, and to make her the heir at law, of William M. Read, of the County of Hamilton, Florida;

A bill to be entitled, An Act in relation to Evidence;

A bill to be entitled, An Act for the relief of John B. Anderson;

A bill to be entitled, An Act to allow the Supreme and Circuit Courts, to hold extra terms;

A bill to establish a Ferry at Brown's Ferry, in Jackson County;

A bill to be entitled, An Act to prevent fraudulent voting;

A bill to be entitled, An Act amendatory of the several acts, in relation to the migration of free persons of color, into the Port of Key West;

A bill to consolidate the office of Sheriff and Tax Assessor and Collector, of Jackson County;

Resolution in relation to payment of the Board of Internal Improvements;

Pursuant to previous notice, Mr. Hawes introduced a bill to be entitled, An act in relation to a Road Tax in the Counties of Putnam and Marion;

Which bill was placed among the Orders of the Day.

On motion of Mr. Long, a bill to be entitled, An act to incorporate the Quincy and Tallahassee Plank Road Company, was taken from the table, and placed among the Orders of the Day.

The President presented a memorial from the citizens of Hillsborough County in regard to the License Tax on Retailers of Spirituous Liquors;

Which was read, and on motion, laid upon the table.

Mr. Filor, from the Committee on Engrossed Bills, made the following Report:

The Committee on Engrossed Bills have instructed the undersigned to report the following bills as correctly engrossed:

A bill to be entitled An act to create a fifth Judicial Circuit;

An act governing Judges of Probate in certain cases.

Respectfully submitted,

JAMES FILOR,

Chairman.

Which was received and read, and the Engrossed Bills placed among the Orders of the Day.

Mr. Long, from the Committee on the Judiciary, made the following Report:

The Judiciary Committee, to whom was referred a bill to be entitled "An act in relation to slaves and free persons of color," have had the same under consideration. The Committee fully approve of the object of the bill, as necessary to the proper subordination of that class of our population; but as the bill referred appears to have

been rather hastily and inartificially drafted, the Committee have instructed the undersigned to recommend that said bill be amended by striking out all after the enacting clause and inserting the three sections herewith submitted, in lieu thereof. This amendment embodies all the objects of the author of the bill, with several verbal amendments, more clearly expressive of that object. When so amended, the Committee recommend the passage of said bill.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Com.

Which was received and read, and the bill placed among the Orders of the Day.

Mr. Smith, from the Committee on Claims and Accounts, made the following report:

The Committee on Claims and Accounts, to whom was referred the bill entitled An act for the relief of Dr. C. A. Hentz, through their Chairman, ask leave to

REPORT:

That they have examined said case, and find that some time in the year 1849, Dr. Hentz was called upon by the Coroner of Jackson County, to be present at the disinterment of E. B. Jourdan, who had been killed and buried. It appearing to us that nothing was done by him, professionally, the corpse being in a too putrid state for examination, but as he was summoned to the place by the Coroner and attended, the Committee are of opinion that he should be entitled to a fair remuneration, and, therefore, recommend the bill should pass with the following amendment:

Strike out all after the words "audit and allow Dr. C. A. Hentz," and insert in lieu thereof the following: Twenty-five dollars for his attendance on the Coroner's inquest at an examination held on the body of E. B. Jourdan, in the year 1849.

All of which is respectfully submitted.

JAMES W. SMITH,
Chairman.

Which was received and read, and the bill placed among the Orders of the Day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 12, 1854. }

Hon. President of the Senate:

SIR:—The House has refused to adopt the Joint Rules reported by the Joint Select Committee appointed for the purpose of drafting the same, and Messrs. Dell, Shine and Dewitt have been appointed a Committee on the part of the House, to act with a similar Committee on the part of the Senate, for the purpose of drafting and re-

porting Joint Rules for the regulation of the action of the two houses of the General Assembly during the present session.

Very Respectfully,

HUGH A. CORLEY,

Clerk Ho. Reps.

Which was received and read, and on motion of Mr. Long the following Committee was appointed to act with a similar Committee on the part of the House of Representatives for the purpose of drafting Joint Rules for the Government of the two Houses, viz: Messrs. Long, Eppes and Brinson.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 12, 1854. }

Hon. President of the Senate:

SIR:—The following Bills and Resolution have passed the House, viz:

Bill to be entitled An act for the relief of Algernon S. Speer and Arthur Ginn;

Bill to be entitled An act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola;

Bill to be entitled An act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola;

Bill to be entitled An act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroffs Ferry, on said River;

Resolution asking that Picolata be made a Port of Delivery.

Very Respectfully,

HUGH A. CORLEY,

Clerk of the House of Representatives.

Which was received and read, and the accompanying House Bill and Resolution placed among the orders of the day.

ORDERS OF THE DAY.

A Bill to be entitled An act to repeal an act entitled An act to amend the several acts concerning Licences to retail Spirituous Liquors, approved January 8, 1853;

Was read the second time, and on motion, was made the special order of the day for to-morrow.

A bill to be entitled An act in relation to the Mayor's Court of the City of Apalachicola;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to amend the third and eighth sections of the 6th article of the Constitution of this State;

Was read three several times as of the first day, and ordered for a second reading on tomorrow.

A Bill to be entitled An act to amend an act in relation to the service necessary to be given by Sheriffs and other officers;

Was read the second time, when on motion of Mr. Myrick, the bill was indefinitely postponed.

A Bill to be entitled An act to enforce the laws against violations of the Sabbath day, in Monroe County;

Was read the second time, and ordered to be engrossed for a third reading on to morrow.

An engrossed bill to be entitled An act to incorporate the Tallahassee and Quincy Plank Road Company;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill to be entitled An act to create a fifth Judicial Circuit;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—15.

Nays—Mr. Kilcrease—1.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives;

An engrossed bill to be entitled An act governing Judges of Probates in certain cases:

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled, An Act in relation to Road Tax in the Counties of Putnam and Marion;

Was read the first time, and ordered for a second reading on to-morrow.

House resolution declaring Picolata a Port of Delivery;

Was read the first time, and on motion of Mr. Tracy the rule was waived, the resolution read a second and third time, and adopted.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroffs Ferry, on said River;

Was read a first time, when on motion of Mr. Gillis, the rule was waived, and the bill read a second and third time by its title, and upon the question of passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—15.

Nays—Mr. Kilcrease—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act to authorize Stephen C. Gonzalez, to build a Wharf in the city of Pensacola;

Was read the first time, and on motion of Mr. Wynn, the rule was waived, and the bill read a second and third time by its title, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act to authorize Samuel A. Leonard, to build a Wharf in the city of Pensacola.

Was read a first time; when a motion of Mr. Wynn, the rule was waived, and the bill read a second and third time by its title, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act for the relief of Dr. Algernon S. Speer, and Arthur Ginn;

Was read the first time, and ordered for a second reading on to-morrow.

A bill to be entitled, An Act in relation to slaves and free persons of color;

Was read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived, and Mr. Filor allowed without previous notice to introduced a bill to be entitled, An Act in relation to the Supreme and Circuit Court Judges of this State;

Which was read the first time, the rule waived, read a second time by its title, and on motion was referred to the Committee on the Judiciary.

On motion, the Senate adjourned until to-morrow morning, 9 o'clock.

THURSDAY, December 14, 1854.

The Senate met pursuant to adjournment.

A quorum being present, the Journal of yesterday was read and approved.

A communication was sent to the House of Representatives informing them that the Senate had appointed a Committee, to act with a similar Committee from the House, to draft Joint Rules for the government of both Houses of the General Assembly.

An Act to empower John Richard Bradford to assume the management of his own estate, was sent for approval, to his Excellency the Governor.

The following Bills and Resolution which had passed the Senate, were transmitted to the House of Representatives, viz:

A bill to be entitled, An act governing Judges of Probate in certain cases;

A bill to be entitled, An act to create a Fifth Judicial Circuit;

A bill to be entitled, An act to incorporate the Tallahassee and Quincy Plank Road Company;

House bill to be entitled, An act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry, on said River;

House bill to be entitled, An act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola;

House bill to be entitled, An act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola;

House Resolution asking that Picolata be made a Port of Delivery.

Mr. Smith gave notice that he would, on some future day, introduce a Bill to be entitled An act for the amendment of the Laws in relation to the Statute of Limitations in personal actions.

Mr. Gillis moved that a copy of each of the Newspapers printed in Tallahassee, be furnished each member of the Senate;

Which motion was adopted.

On motion of Mr. Hopkins, a bill to allow Spirituous Liquors to

be drank where sold, was taken from the table, and placed among the Orders of the Day.

Mr. Smith presented the memorial from the Board of County Commissioners of Wakulla County, in relation to the building of a Court House;

Which was read, and on motion, referred to the Committee on Taxation and Revenue.

Mr. Bird presented several memorials of the citizens of Jefferson County, in regard to retailing Spirituous Liquors;

Which were read, and on motion, referred to the Committee on Taxation and Revenue.

The following communication was received from C. H. Austin, State Treasurer:

TREASURER'S OFFICE,
TALLAHASSEE, December 13, 1854. }

To the Hon. President of the Senate:

SIR:—Accompanying, herewith, I send a map of the United States, received from the late Comptroller, who says it was purchased for the Senate Chamber.

I am very Respectfully,
Your obedient Servant,
C. H. AUSTIN,
Treasurer

Which was read.

Mr. Filor from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave to report as correctly engrossed, the following bills:

A Bill to be entitled An act to authorize the drainage of the Alachua Savannah;

A Bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

A Bill to be entitled An act to repeal an act amendatory of an act to establish a Mayor's Court in the City of Apalachicola;

A Bill to be entitled An act to enforce the Laws against the violations of the Sabbath day, in Monroe County.

Respectfully submitted,
JAS. FILOR,
Chairman.

Which was received and read, and the bills placed among the Orders of the Day.

Mr. Hopkins from the Committee on Propositions and Grievances, made the following report:

The Committee on Propositions and Grievances, to whom was referred a bill, entitled An act for the relief of Henry Christy and Theophilus Higginbotham, have had the same under consideration,

and beg leave to report the bill back to the Senate and recommend its passage.

EDWARD HOPKINS,
Chairman.

Which was received and read, and the bill placed among the orders of the day.

Mr. Hopkins also made the following report:

The Committee on Propositions and Grievances, to whom was referred the petition of Oakley Mansfield and ninety-nine others, of the County of Hillsborough, praying that a fine on one Jose Vigil be remitted, have had the same under consideration, and beg leave to

REPORT:

That the prayer of the petitioners be granted, and recommend the passage of the bill for his relief.

EDWARD HOPKINS,
Chairman.

Which was received and read, and the bill placed among the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled An act to amend the 3d and 8th sections of the 6th Article of the Constitution of this State;

Was read three several times as on its second reading, and ordered to be engrossed for a third reading on to-morrow.

House bill to be entitled An act for the relief of Dr. Algernon S. Speer and Arthur Ginn;

Was read the second time.

On motion of Mr. Tracy, the rule was waived and the bill read a third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Kilcrease, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act for the relief of Dr. C. A. Hentz;

Was read the second time, when the amendments of the Committee on Claims and Accounts were adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 13, 1854.

Hon. President of the Senate :

SIR:—The following bills have passed the House, viz :

Bill to be entitled An act to empower Malcolm Nicholson, a minor, to assume the management of his own estate ;

Bill to be entitled An act to authorize B. T. Jordan to build a bridge across the Suwannee River, and for other purposes ;

Senate Bill to be entitled An act to repeal An act entitled " An act in relation to a Road tax in the Counties of Santa Rosa and Escambia," as far as it relates to the County of Santa Rosa.

Very Respectfully,

HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read, and the bills placed among the Orders of the Day, and the Senate bill ordered to be enrolled.

Mr. Long, from the Committee on the Judiciary, made the following report :

The Judiciary Committee to whom was referred a bill to be entitled An act for the relief of Judges of Probate and other purposes, having had the same under consideration, instruct the undersigned to

REPORT :

That in their opinion, no necessity exists for the passage of the same, and therefore recommend that the same do not pass.

The Committee suppose that the bill was drafted and presented under a misapprehension of the existing laws, the Committee not being aware of any law requiring Judges of Probate to administer estates.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Committee.

Which was received and read, and the bill placed among the Orders of the Day.

Mr. Long, from the Committee on the Judiciary, made the following report :

The Committee on the Judiciary, to whom was referred " A bill to be entitled An act to amend an act regulating common law proceedings," have had the same under consideration, and instruct the undersigned to recommend its passage.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Com.

Which was received and read, and the bill placed among the Orders of the Day.

A bill to be entitled An act in relation to slaves and free persons of color;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to repeal the 19th section of the 7th Chapter of the Laws relating to Crimes and Misdemeanors;

Was read the second time, when the amendment as proposed by the Committee on the Judiciary was adopted in lieu of the original bill.

On motion of Mr. Long, the bill was laid on the table.

An Engrossed Bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—Mr. Myrick—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill to be entitled, An Act to repeal An Act amendatory of An Act to establish a Mayor's Court in the City of Apalachicola;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill to be entitled, An Act to enforce the laws against the violations of the Sabbath day in Monroe County;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Crigler, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Smith and Wynn—15.

Nays—Mr. Myrick—1.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

An engrossed bill to be entitled, An Act to authorize the drainage of the Alachua Savannah ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17:

Nays—Mr. Kilcrease—1:

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

The following communication was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 12, 1854. }

To the Hon. H. V. SNELL,

President of the Senate :

SIR:—I respectfully nominate Thomas Shea, David Stow, Benjamin Lucas, Daniel Pratt and Robert Myers as Auctioneers in and for the County of Franklin.

N. Baker, A. R. Allender, J. Milligan, Harvy Swain, B. L. Turner, H. Harrison, senr., and James P. Penn, as Port Wardens in and for the County of Franklin.

Samuel Benezet, Robert Myers, William A. Kain, Francis A. Allender, and Benjamin Ellison as Commissioners of Pilotage in and for the County of Franklin.

JAMES E. BROOME.

Which was read, and the nominations therein contained were advised and consented to.

The following communication was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
December 13, 1854. }

Hon. H. V. SNELL,

President of the Senate :

SIR:—I enclose a communication from the Treasurer of the State showing that the appropriations for criminal prosecutions and for pay of Jurors and Witnesses, have been exhausted, and furnishing estimates for the probable outstanding balances.

I respectfully recommend that an early appropriation be made by the General Assembly to cover these outstanding balances.

JAMES E. BROOME.

Which was read, and on motion of Mr. Tracy, the message and accompanying letter from the Treasurer were referred to the Committee on Revenue and Taxation.

On motion, the rule was waived, and Mr. Hawes moved that the bill to be entitled, An act granting certain Lands to the Pilatka and

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Micanopy Plank Road Company be taken from the table and placed among the Orders of the Day ;

Which was adopted.

On motion of Mr. Cone, the Senate adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 15, 1854.

The Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

A quorum being present the Journal of yesterday was read and approved.

The following bills which had passed the Senate, were transmitted to the House of Representatives, viz :

A bill to be entitled, An Act to incorporate the Pilatka and Micanopy Plank Road Company ;

A bill to be entitled, An act to repeal an act amendatory of an act to establish a Mayor's Court in the City of Apalachicola ;

A bill to be entitled, An act to enforce the violations of the Sabbath Day in Monroe County ;

A bill to be entitled, An act to authorize the drainage of Alachua Savannah ;

House bill to be entitled, An act for the relief of Dr. Algernon S. Speer and Arthur Ginn.

On motion of Mr. Brinson, the memorial from the citizens of Hillsborough County, in regard to retailing Spirituous Liquors, was taken from the table and referred to the Committee on Taxation and Revenue.

Pursuant to previous notice, Mr. Myrick introduced a bill to be entitled, An act to regulate the performance of the duties of the Supreme Court of this State, &c ;

Which was placed among the Orders of the Day.

Pursuant to previous notice, Mr. Nicholson introduced a bill to be entitled, An act to authorize William Webb to establish a ferry across Escambia Bay ;

Was received and placed among Orders of the Day.

Also the following :

A bill to be entitled, An act to incorporate the Lagoon and Perdido Canal Company ;

Which was placed among the Orders of the Day.

Mr. Brinson, pursuant to previous notice, introduced a bill to be entitled, An act to remove the obstructions to the Navigation of the Suwannee River ;

Which was received and placed among the Orders of the Day.

On motion, the rule was waived, and Mr. Hopkins allowed, without previous notice, to introduce a bill to be entitled, An act to

amend an act entitled an act to incorporate the Jacksonville and Alligator Plank Road Company;

Which was placed among the Orders of the Day, and the memorial of the Grand Jury of Duval County, in relation to the same, referred to the Committee on Corporations.

Mr. Kilcrease gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An act to authorize Charles B. Longworth, a minor, to assume the management of his own estate.

Mr. Long, from the Committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred "a bill to be entitled, An Act in relation to the Supreme and Circuit Court Judges of this State," have had the same under consideration, and have instructed the undersigned to

REPORT :

That in the opinion of the Committee no valid reason exists for the passage of the same. The Judges of Florida are at present prohibited, by law, from trying causes in which they have been engaged as Counsel, or in which they are interested. The Committee seriously doubt the power and policy of Legislative interference, on a matter so exclusively addressing itself to the Judges' own sense of delicacy or propriety. Until it shall be deemed necessary to forbid, by law, all Judges of this State from attending to any private business or pursuit, the Committee cannot see the propriety of prohibiting a Judge to pursue a lawful business of one particular kind. The Committee, therefore, unanimously instruct the undersigned to recommend that said bill do not pass.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill placed among the Orders of the Day.

Mr. Wynn, from the Committee on Taxation and Revenue, made the following Report:

The Committee on Taxation and Revenue, to whom was referred a bill to be entitled "An Act to authorize Revenue Officers to pay over Poll Tax to County Commissioners, and for other purposes," have had the same under consideration and ask leave to

REPORT:

That having examined the Report of the Treasurer of this State for the last fiscal year, they find the receipts from all sources of Revenue were \$62,801.51, while the payments during the same time were \$62,233.51, leaving a balance of only \$568 in the Treasury. And also having ascertained from the Office of the Comptrol-

ler that the revenue arising from Poll or Capitation Tax amounts to \$4,183.85, which if taken from the whole Revenue would leave it insufficient for the purposes of Government, they are of the opinion that the bill should not pass.

The same objections present themselves to the passage of a bill to be entitled "An Act to abolish the Tax now laid on certain subjects of Taxation," which was also referred to said Committee, and they therefore report unfavorably to the passage of said Bill.

All of which is respectfully submitted,

W. B. WYNN,

Chairman.

Which was received and read, and the bill placed among the Orders of the Day.

Mr. Filor, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave to report the following Bills as correctly Engrossed:

A Bill to be entitled An Act in relation to slaves and free persons of color;

A Bill to be entitled An Act for the relief of Dr. C. A. Hentz;

A Bill to be entitled An Act to amend the third and eighth Sections of the sixth Article of the Constitution of this State.

Respectfully submitted,

JAMES FILOR,

Chairman.

Which was received and read, and the Bills placed among the Orders of the Day.

ORDERS OF THE DAY.

A bill to be entitled, An act to repeal an act entitled an act to amend the several acts concerning Licenses to retail Spirituous Liquors, approved January 8, 1853;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

House bill to be entitled, An act for the relief of Jose Vigil;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act for the relief of Henry Christy and Theophilus Higginbotham;

Was read the third time, and upon the question of its passage the vote was;

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—16.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled, An Act for the relief of Judges of Probate and for other purposes;

Was read the second time, and on motion of Mr. Myrick, the bill was indefinitely postponed.

House bill to be entitled, An Act to empower Malcolm Nicholson, a minor, to assume the management of his own estate ;

Was read a first time ;

When on motion of Mr. Tracy, the rule was waived, the bill read a second and third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled, An Act to authorize B. T. Jordan to build a Bridge across the Suwannee River and for other purposes ;

Was read the first time and ordered for a second reading on to-morrow.

On motion, the rule was waived and Mr. Long permitted, without previous notice, to introduce a bill to be entitled, An Act to authorize Thomas H. Willis, a minor, to assume the management of his own estate ;

Which bill was placed among the orders of the day.

A bill to be entitled, An Act to amend the Act regulating Common Law proceedings ;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled, An Act granting certain Lands to the Palatka and Micanopy Plank Road Company ;

Came up on its second reading, when on motion of Mr. Hawes, it was informally passed over.

A bill to be entitled, An Act to Incorporate the Lagoon and Perdido Canal Company ;

Was read the first time.

And on motion, the rule was waived, read a second time by the title, and referred to the Committee on Corporations.

A bill to be entitled, An Act to regulate the performance of its duties of the Supreme Court of this State, and to change the time and place for holding the terms thereof ;

Was read the first time, rule waived, read the second time by its title, and on motion, referred to a select Committee, consisting of Messrs. Myrick, Eppes, Long, Provence and Tracy.

A bill to be entitled, An Act in relation to the Supreme and Circuit Court Judges of this State;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled, An Act to amend the Third and Eighth Sections of the Sixth Article of the Constitution of this State;

Was read three several times the third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Eppes, Filor and Provence—3.

Nays—Mr. President, Messrs. Brinson, Cone, Crigler, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Smith, Tracy and Wynn—13.

So said bill was lost.

Engrossed bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Provence, Smith, Tracy and Wynn—13.

Nays—None.

So the bill passed, title as stated.

Ordered to be certified to the House of Representatives.

Engrossed bill to be entitled An act for the relief of Dr. C. A. Hentz ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Tracy and Wynn—12.

Nays—None.

So the bill passed, title as stated.

Ordered to be certified to the House of Representatives.

A bill to be entitled An act to abolish the Tax now laid on certain subjects of Taxation ;

Was read the second time, and on motion, was laid on the table.

A bill to be entitled An act to authorize the respective officers collecting the Revenue of this State, to pay over the Capitation or Poll Tax, and for other purposes ;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to authorize William Webb to establish a Ferry across the Escambia Bay ;

Was read the first time, and ordered for a second reading on to-morrow.

A bill to be entitled An act to authorize Thomas H. Willis to assume the management of his own estate ;

Was read the first time and ordered to be read a second time on to-morrow.

A bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River ;

Was read the first time, rule waived, read the second time by its title, and on motion was referred to the Committee on Internal Improvements.

A bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company ;

Was read the first time, rule waived, read the second time by its title, and on motion, was referred to a select committee, consisting of Messrs. Hopkins, Cone and Hawes.

Engrossed bill to be entitled An act in relation to slaves and free persons of color ;

Was read the third time, upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Eppea, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Tracy and Wynn—12.

Nays—Messrs. Crigler, Filor, Gillis and Provence—4.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion,

The Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 16, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

The following bills which had passed the Senate, were transmitted to the House of Representatives, viz :

House bill to be entitled an act for the relief of Henry Christy and Theophilus Higginbotham ;

House bill to be entitled An act to empower Malcolm Nicholson, a minor, to assume the management of his own estate ;

House bill to be entitled An act for the relief of Jose Vigil ;

A bill to be entitled An act in relation to a road tax in the Counties of Putnam and Marion ;

A bill to be entitled An act in relation to slaves and free persons of color ;

A bill to be entitled An act for the relief of Dr. C. A. Hentz.

Mr. Filor from the committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills have examined the following bills and find the same correctly engrossed:

A bill to be entitled An act in relation to the Supreme and Circuit Court Judges of this State;

A bill to be entitled An act to repeal An act entitled An act to amend the several acts concerning licences to retail spirituous liquors;

A bill to be entitled An act to amend An act regulating Law proceedings;

A bill to authorize Revenue officers to pay over poll tax to County Commissioners, and for other purposes.

Respectfully submitted,

JAS. FILOR,

Chairman.

Which was received and read, and the bills placed among the orders of the day.

Mr. Long from the Committee on the Judiciary made the following report:

The Judiciary Committee to whom was referred a bill to be entitled An act concerning Interest, having had the same under consideration, have instructed the undersigned to

REPORT:

That a majority of the committee concur in the policy proposed by the bill, and therefore recommend its passage.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Also the following minority report:

The undersigned, a member of the Judiciary Committee, begs leave to report his dissent to the foregoing majority report. The undersigned will hereafter ask leave to present to the Senate the reasons which have impelled him to dissent from the views of a majority of the committee upon which it has been his duty to serve.

M. A. LONG,

of the Judiciary Committee.

Which was read and received.

Mr. Long from the joint select committee, appointed to draft and report joint rules for the government of the General Assembly, made the following report:

The Joint Select Committee appointed to draft and report Joint Rules of the General Assembly, having conferred together and considered the subject, beg leave to report the following:

JOINT RULES OF THE GENERAL ASSEMBLY.

RULE. 1. Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When a bill or resolution, which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

4. When a bill or resolution which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days, and leave of two-thirds of that House in which it shall be moved.

5. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

6. No bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the session.

7. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

8. When elections are required to be made by joint vote of the two Houses, the time of electing shall be previously agreed upon, and each House shall communicate the nominations made therein to the other, prior to the voting.

9. Each House shall communicate to the other the nominations, and the result of each voting.

10. In every Joint Committee the member first named on the part of the House first proposing such Committee, shall convene the same.

11. During the election of officers there shall be no motions entertained, except to adjourn, to proceed to vote, to nominate and to withdraw a candidate—which motions shall have precedence in the order they stand.

12. The doings throughout shall proceed without debate.

13. Communications shall be made on paper, and signed by the Secretary of each House, and transmitted by the Messenger, or Door-keeper.

14. In every case of disagreement between the Senate and House of Representatives, either House may suggest conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer at a convenient hour, to be designated by the Chairman; said Committees shall meet, and confer freely on the subject of disagreement.

15. Whenever a public bill or resolution is ordered to be printed for the use of either House, a number shall be ordered sufficient for the use of both Houses ; and it shall be the duty of the Secretary of the Senate or Clerk of the House, as the case may be, to inform the other House of such order, and to transmit to that House the requisite number of printed copies.

All of which is respectfully submitted.

M. A. LONG,
Chairman on part of the Senate.
PHILIP DELL,
Chairman on part of the House.

Which was read and received, and on motion adopted.

Mr. Cone, from the Select Committee to whom was referred a bill to be entitled, An act granting pre-emptions on Sixteenth Sections, made the following report :

The Select Committee to whom was referred a bill to be entitled, An act granting pre-emptions on Sixteenth Sections, having had the same under consideration, have instructed the undersigned to

REPORT :

That it is the opinion of the Committee that said bill should be amended by striking out all after the enacting clause, and inserting in lieu thereof the following :

“ That all Sixteenth Sections, and all lands selected for school purposes, shall hereafter be subject to sale by pre-emption, in the same way and upon the same terms as the Internal Improvement and Seminary Lands are now subject.”

When so amended, the Committee recommend the passage of said bill. Also the amendment of the title, by striking out the same and inserting the words, “ An act to grant pre-emptions on School Lands.”

Respectfully submitted,
W. H. CONE,
Chairman.

Which was received and read, and the bill placed among the Orders of the Day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 14, 1854.

Hon. President of the Senate :

SIR:—The House has passed enclosed bill, entitled An act authorizing and empowering A. J. Lea, Administrator, to sell certain real estate therein specified.

Senate resolution in relation to the election of certain officers therein named, has been indefinitely postponed by the House.

Very respectfully,

HUGH A. CORLEY,
Clerk House Rep's.

Which was received, and House bill placed among the Orders of the Day.

Also the following :

HOUSE OF REPRESENTATIVES, }
December 15, 1854.

Hon. President of the Senate :

SIR:—The House has passed, without amendment, Senate resolution for the payment of the Board of Internal Improvement.

The following bill has been lost in the House, viz:

Senate bill to be entitled, An act explanatory of the several acts in relation to the migration of free persons of color into the Port of Key West.

Very respectfully,

HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

A Committee from the House of Representatives asked the Senate for the return of the resolution in relation to the payment of the members of the Board of Internal Improvement.

On motion, Messrs. Hopkins, Tracy and Myrick were appointed a Committee to return to the House of Representatives the above resolution;

Which Committee returned, and reported the duty assigned them had been performed.

On motion, the rule was waived, and Mr. Provence gave notice that he would on some future day, introduce a bill to be entitled, An act to authorize Samuel D. Howse to assume the management of his own estate.

Also the following :

A bill to be entitled, An act to declare the Withlacoochee River and Blue Springs navigable streams.

On motion, the rule was waived, and Mr. Kilcrease, pursuant to previous notice, introduced a bill to be entitled, An act to authorize Charles H. Longworth to manage his own estate.

A Committee from the House of Representatives informed the Senate that the House had adopted a resolution, the Senate concurring, that they would be ready to proceed to the election of United States Senator this day, at 12 o'clock, M.

On motion of Mr. Provence, the resolution from the House, as reported by the Committee, was concurred in by the Senate, and Messrs. Provence, Brinson and Bird appointed a Committee to inform the House thereof;

Which Committee, upon their return, reported that they had performed the duty.

ORDERS OF THE DAY.

House bill to be entitled, An act to authorize B. T. Jordan to build a bridge across the Suwannee River, and for other purposes;

Was read the second time, and ordered for a third reading on Monday next.

A bill to be entitled, An act granting certain lands to the Palatka and Micanopy Plank Road Company;

Was read the second time, when, on motion, the Senate went into Committee of the Whole upon said bill, Mr. Tracy in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration of said bill;

Which report was concurred in, and the bill as amended ordered to be engrossed for a third reading on Monday next.

A bill to be entitled, An act to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate;

Was read the second time, and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled, An act to authorize William Webb to establish a Ferry across the Escambia Bay;

Was read the second time, and ordered to be engrossed for a third reading on Monday next.

House bill to be entitled, An act to authorize and empower Andrew J. Lea, Administrator, to sell certain real estate therein specified;

Was read the first time, and ordered for a second reading on Monday next.

Engrossed bill to be entitled, An act to authorize the respective officers collecting the Revenue of this State, to pay over the Capitation or Poll Tax, and for other purposes;

Was read a third time, and upon the question of its passage the vote was:

Yeas—Messrs. Brinson, Gillis, Hawes and Myrick—4.

Nays—Mr. President, Messrs. Bird, Cone, Crigler, Eppes, Filor, Hopkins, Kilcrease, Long, Nicholson, Provence, Smith, Tracy and Wynn—14.

So the bill was lost.

On motion, the rule was waived, and Mr. Wynn, from the Committee on Taxation and Revenue, to whom was referred memorials of certain citizens of Jefferson and Hillsborough Counties, made the following report:

The Committee on Taxation and Revenue, to whom was referred „Memorials of certain citizens of the Counties of Jefferson and

Hillsborough, in regard to retailing and selling Spirituous Liquors," have had the same under most respectful consideration, and ask leave to

REPORT:

That they deprecate sincerely the injury which is done to the morals of the community by the retailing, or selling in larger quantities, of Spirituous Liquors in our State, and entertain, in common with the memorialists, an earnest desire that the evils they represent could be abolished.

The Committee are of opinion that a bill upon this subject, which is now before the Senate, proposes all that can be done in the premises, and recommend that the memorials be laid on the table for the present.

All of which is respectfully submitted.

WM. B. WYNN,
Chairman.

Engrossed Bill to be entitled, An act to repeal an act entitled an act to amend the several acts concerning Licenses to retail Spirituous Liquors, approved January 8, 1853;

Was read the third time and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Provence, Smith, Tracy and Wynn—15.

Nays—Messrs. Hopkins, Myrick and Nicholson—3.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled, An act to amend the act regulating Common Law proceedings ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—15.

Nays—Mr. Kilcrease—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled, An act in relation to the Supreme and Circuit Court Judges of this State ;

Was read a third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Filor, Gillis, Hopkins, Nicholson and Tracy—5.

Nays—Mr. President, Messrs. Bird, Cone, Crigler, Hawes, Kilcrease, Long, Myrick, Provence, Smith and Wynn—11.

So the bill was lost.

A bill to be entitled, An act to authorize Charles H. Longworth, a minor, to assume the management of his own estate ;

Was read the first time, the rule waived, read the second time by its title, and ordered to be engrossed for a third reading on Monday next.

On motion, the rule was waived, when Mr. Kilcrease moved that Mr. Bird be excused from attendance after to-day, until Wednesday next ;

Which was granted.

Mr. Wynn from the Committee on Taxation and Revenue, made the following report :

The Committee on Taxation and Revenue, to whom was referred a message from his Excellency the Governor, relative to appropriations for Criminal Prosecutions, and pay of Jurors and Witnesses, have had the same under consideration, and recommend the passage of the accompanying bill.

W. B. WYNN,

Chairman Committee Taxation and Revenue.

Which was received and read, and the accompanying bill placed among the orders of the day.

A committee from the House informed the Senate that the time had arrived for the election of United States Senator, and invited the Senate into the hall of the House of Representatives.

The Senate repaired to the hall of the House of Representatives. The President, by invitation of the Speaker, took the chair.

The President declared the object of the joint meeting to be the election of a United States Senator.

The President announced that nominations were in order.

Mr. Long, (of the Senate,) nominated David L. Yulee.

Mr. Hollaman, (of the House,) nominated Thomas Brown.

The vote was :

For YULEE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Crigler, Filor, Hawes, Kilcrease, Long and Provence—10.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Prescott, Taylor, Thompson of Levy, Van Zant and Wall—21. Total—31.

For BROWN.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—7.

House—Messrs. Bowers, Brown, Fennell, Haddock, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Reviere, Shine, Speer, and Thompson of Santa Rosa—14. Total—21.

BLANK.—*Senate*—Mr. Wynn—1.

House—Mr. Rowley—1. Total—2.

The President declared David L. Yulee, duly elected United States Senator for six years from the fourth day of March next.

On motion of Mr. Long of the Senate, the joint meeting adjourned, and the Senate returned to their chamber.

On motion, the Senate adjourned until Monday next, 11 o'clock, A. M.

MONDAY, December 18, 1854

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of Saturday was read and approved.

The following communication was transmitted to His Excellency the Governor :

HOUSE OF REPRESENTATIVES, }
December 18, 1854. }

To His Excellency JAMES E. BROOME,

Governor of the State of Florida :

SIR:—We have the honor to inform your Excellency that at a Joint Meeting of the General Assembly, held on the 16th instant, for the purpose of electing a United States Senator for six years from the fourth day of March next, Mr. David L. Yulee was declared duly elected United States Senator for the term aforesaid.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

HUGH A. CORLEY,

Clerk House of Representatives.

The following Bills, which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled An Act to amend the Act regulating Common Law Proceedings ;

A Bill to be entitled An Act to repeal An Act entitled An Act to amend the several Acts concerning Licenses to retail Spirituous Liquors.

On motion, the rule was waived, and Mr. Wynn allowed to introduce, without previous notice, a bill to be entitled An Act for the relief of J. M. Landrum.

Mr. Eppes gave notice that he would, on some future day, introduce a Bill to be entitled An Act to amend the General Act for the Incorporation of Towns, Academies and Religious Societies, approved January 6, 1847.

Mr. Filor gave notice that he would, on some future day, ask leave to introduce a Bill to be entitled An Act in relation to the migration of Negroes or Free Persons of Color into the Port of Key West in Vessels in a wrecked or disabled condition.

Mr. Provence presented the Petition of John W. Porter, Mayor of the City of Key West, in relation to Water Lots and Wharves;

Which was read, and on motion referred to a Select Committee of five, consisting of Messrs. Provence, Crigler, Tracy, Eppes and Wynn.

Mr. Eppes presented a Memorial from the Citizens of Apalachicola, praying for the passage of an act authorizing the improvement of the Harbor and Bay of Apalachicola;

Which was read.

On motion, the rule was waived, and Mr. Eppes permitted, without previous notice, to introduce a bill to be entitled An Act to improve the navigation of the Harbor and Bay of Apalachicola;

Which was read the first time, the rule waived, read the second time by its title, and on motion the Memorial and Bill were referred to a Select Committee, consisting of Messrs. Eppes, Myrick, Gillis, Cone and Filor.

Mr. Long presented a Petition from Thomas E. Harvin, in relation to the purchase of Lands therein named;

Which was read, and on motion referred to the Committee on Propositions and Grievances.

The following message was received from His Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, December 14, 1854. }

Hon. H. V. SNELL,

President of the Senate:

SIR:—I have approved and signed An Act entitled An Act to empower John Richard Bradford, a minor, to assume the management of his own estate.

JAMES E. BROOME.

Which was read.

Mr. Long from the Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined An Act to repeal an Act entitled, "An Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia," as far as it relates to the County of Santa Rosa, and report the same as correctly enrolled.

M. A. LONG,
Chairman.

Which was read.

Mr. Provence from the Committee on Corporations, to whom was referred the Presentment of the Grand Jury of Duval County, in relation to the granting certain lands to the Jacksonville and Alligator Plank Road Company, made the following Report:

The Committee on Corporations, to whom was referred part of the general Presentment of the Grand Jury of the County of Duval,

have had the same under consideration, and through me their Chairman, ask leave to

REPORT:

That they find the Presentment asks for aid from the Internal Improvement fund, or a donation of alternate sections of the State's swamp lands, to the Jacksonville and Alligator Plank Road Company.

It has not been usual to grant aid to such works from the Internal Improvement fund, but appropriations have been constantly denied; therefore this Committee cannot recommend aid from that particular quarter.

But the work, as has been represented, is one of the first importance, and its completion is most earnestly desired; therefore, your Committee recommend that alternate sections of the land, known as the Swamp Land, in every township through which the Road passes, be granted by the State to said Company.

Your Committee mention as a prominent reason for such an appropriation, that large bodies of land now worthless, or nearly so, will in all probability be made very valuable. As they now are situated, ages will pass by and those lands yet remain unsettled, unsold, and contribute nothing to the production or wealth of the State or the world; and the State will enjoy only the lasting glory and gratification of being a large landed proprietor. But if this Plank Road and others should be constructed through the sections in which the State owns vast bodies of swamp lands, the probability, that they may be used, useful, and at the same time sold, is increased one thousand fold.

In conclusion, your Committee recommend the establishment of some principle of appropriation to such works as may, *even possibly*, contribute to make our swamp lands valuable and inhabitable.

Respectfully submitted,

D. PROVENCE,
Chairman.

Which was received and read.

Mr. Filor from the Committee on Engrossed Bills made the following Report:

The Committee on Engrossed Bills have instructed the undersigned to report the following Bills as correctly engrossed:

A Bill to be entitled, An Act to empower Charles H. Longworth of Gadsden County to manage his own estate.

A Bill to be entitled, An Act to authorize Wm. Webb to establish a Ferry across Escambia Bay.

A Bill to be entitled, An Act to authorize Thomas H. Willis of Leon County, a minor, to assume the management of his own estate.

A Bill to be entitled, An Act granting certain lands to the Palatka and Micanopy Plank Road Company.

Respectfully submitted,

JAMES FILOR,
Chairman.

Which was read and the bills placed among the orders of the day. Mr. Hopkins, from a Select Committee, made the following report :

The Select Committee to whom was referred a bill entitled, An act to amend an act to incorporate the Jacksonville and Alligator Plank Road Company,

REPORT :

That they have had the same under consideration, and there being nothing therein contrary to the Statutes now in this State regulating Charters, respectfully return the same back to the Senate, and recommend its passage.

ED. HOPKINS,
Chairman.

Which was read, and the accompanying bill placed among the Orders of the Day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 16, 1854. }

Hon. President of the Senate :

SIR :—The House has adopted the Joint Rules reported by the Joint Select Committee appointed for the purpose of drafting the same.

Very respectfully,
HUGH A. CORLEY,
Clerk House Representatives.

Which was read.
Also the following :

HOUSE OF REPRESENTATIVES, }
DECEMBER 18, 1854. }

Hon. President of the Senate :

SIR :—The following Bills and Resolution have passed the House, viz :

Bill to be entitled, An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848 ;

Senate Bill to be entitled, An act for the Relief of John B. Anderson, without amendment.

Senate Resolution for payment of Board of Internal Improvement, with the following amendment, viz :

. Add the following additional Resolution :

" Be it further resolved, That upon the Comptroller auditing said

Claims, it shall be the duty of the Treasurer to pay the same out of the Internal Improvement Fund: *Provided*, said amount so paid shall be returned to said fund, whenever any money shall come into the Treasury resulting from the sale of Swamp Lands."

In which amendment the concurrence of the Senate is respectfully requested.

Very respectfully,
HUGH A. CORLEY,
Clerk House Representatives.

Which was read, and the House Bills placed among the Orders of the Day.

The Senate Bill was ordered to be enrolled.

The Amendment to the Resolution in regard to the payment of Board of Internal Improvement, was concurred in by the Senate.

Ordered that the same be certified to the House of Representatives.

Also the following :

HOUSE OF REPRESENTATIVES, }
 December 18, 1854. }

Hon. President of the Senate :

SIR:—Messrs. Carter, Parsons and Bellamy have been appointed a Committee on the part of the House, to act with a similar Committee on the part of the Senate, to wait upon the Hon. David L. Yulee, and inform him of his election as United States Senator.

Very respectfully,
HUGH A. CORLEY,
Clerk House Representatives.

Which was read.

ORDERS OF THE DAY.

House Bill to be entitled, An Act to authorize and empower Andrew J. Lea, Administrator, to sell certain Real Estate therein specified;

Was read the second time.

On motion of Mr. Hopkins, said Bill was indefinitely postponed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, An Act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Flor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—15.

Nays—Messrs. Kilcrease and Provence—2.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled, An Act to grant Pre-emptions on Sixteenth Sections ;

Came up on its second reading.

On motion, the amendments proposed by the Select Committee to whom it had been referred, were adopted in lieu of the original Bill.

Said Bill was ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An act concerning Interest ;

Was read the second time.

On motion of Mr. Long, said Bill was laid on the table.

A Bill to provide for the payment of Criminal Prosecutions, and for other purposes ;

Was read the first time, the rule waived, read the second time by its title, and ordered to be Engrossed for a third reading on to-morrow.

A Bill for the relief of James M. Landrum ;

Was read the first time, rule waived, read the second time by its title, and on motion, referred to the Committee on Propositions and Grievances.

Engrossed Bill to authorize Charles H. Longworth, a minor, to assume the management of his own estate ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Cone, Crigler, Hawes, Hopkins, Kilcrease, Long and Nicholson—7.

Nays—Mr. President, Messrs. Brinson, Filor, Gillis, Myrick, Smith, Tracy and Wynn—8.

So said Bill was lost.

Engrossed Bill to be entitled, An Act to authorize William Webb to establish a Ferry across Escambia Bay ;

Was read the third time and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—14.

Nays—Mr. Kilcrease—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act to authorize Thomas H. Willis of Leon County, a minor, to assume the management of his own estate ;

Was read the third time and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Smith, Tracy and Wynn—16.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled An Act granting certain Lands to the Palatka and Micanopy Plank Road Company;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Brinson, Cone, Eppes, Filor, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Tracy and Wynn—13.

Nays—Messrs. Crigler and Smith—2.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled An Act to amend An Act entitled An Act to incorporate the Jacksonville and Alligator Plank Road Company;

Was read the second time.

On motion of Mr. Long, the fourth Section of said Bill was stricken out, and the Bill as amended ordered to be engrossed for a third reading on to-morrow.

House Bill to be entitled An Act to amend An Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Was read the first time, and ordered for a second reading on to-morrow.

On motion, the Senate adjourned until to-morrow morning, 11 o'clock.

TUESDAY, December 19, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

An Enrolled bill "entitled An act to repeal An act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, as far as it relates to the County of Santa Rosa," which had passed both Houses of the General Assembly and had been signed by the presiding officers thereof, was transmitted for approval to His Excellency the Governor.

The following bills which had passed the Senate, were transmitted to the House of Representatives, viz:

House bill to be entitled An act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes;

A bill to be entitled An act to authorize William Webb to establish a Ferry across Escambia Bay;

A bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company;

Also, that the Senate concurred in the House amendment to Senate resolution in relation to payment of the Internal Improvement Board;

House bill to be entitled An act to authorize and empower Andrew J. Lea, administrator, to sell certain real estate therein specified, has been indefinitely postponed by the Senate.

On motion of Mr. Eppes, a Committee of three, consisting of Messrs. Eppes, Tracy and Gillis were appointed to wait upon the House of Representatives and request the return of House bill entitled An act to authorize Andrew J. Lea, administrator, to sell certain real estate therein specified.

The Committee returned and reported the duty assigned them had been performed.

Mr. Hopkins gave notice that he would on to-morrow, or some future day, introduce a bill to be entitled An act to abolish the office of State Engineer and Geologist.

On motion, the rule was waived and Mr. Crigler permitted, without previous notice, to introduce a bill to be entitled An act to prevent white persons from gaming with negroes and other persons of color;

Which bill was placed among the Orders of the Day.

On motion of Mr. Tracy, Mr. Filor was added to the select Committee, to whom was referred the petition of John W. Porter, Mayor of the city of Key West.

On motion, the rule was waived and Mr. Long permitted, without previous notice, to introduce the following bills, viz:

A bill to be entitled An act to incorporate a Bank in the city of Tallahassee;

Also, a bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State.

Said bills were placed among the Orders of the Day.

On motion, the rule was waived and Mr. Kilcrease allowed to introduce, without previous notice, a bill to be entitled An act to prevent the reduction of two pounds of Cotton per bale;

Which bill was placed among the Orders of the Day.

On motion of Mr. Tracy, the vote rejecting the bill to be entitled An act to authorize Charles H. Longworth, a minor, to assume the management of his own estate, was re-considered, and said bill placed among the Orders of the Day.

A Committee was received from the House of Representatives, who returned House bill to be entitled An act to authorize and empower Andrew J. Lea, administrator, to sell certain real estate therein specified.*

On motion of Mr. Eppes, the vote had on yesterday indefinitely

postponing said bill was re-considered, and the bill placed among the Orders of the Day.

Mr. Eppes Introduced the following Resolution :

Resolution respecting the establishment of a Mail Route from Tallahassee via Sopchoppy, in Wakulla County, to White Bluff or Pickett's Ville, at the mouth of Crooked River, on the Apalachicola Bay :

WHEREAS, The Counties of Wakulla and Franklin, bordering on Ocklocknee and Crooked River, are being densely settled and have thus far been overlooked by the General Government, and unprovided with the facilities and blessings of a mail connection with the interior portions of the State, and thus greatly inconvenienced for the same; AND WHEREAS, From their exposed condition on the Gulf of Mexico, such a connexion with the interior would be of great public benefit and convenience, and in time of war of immense service for the transmission of intelligence :

Be it therefore Resolved by the Senate and House of Representatives of the State of Florida in General Assembly Convened, That our Senators and Representative in Congress be requested to urge upon the proper Department in Washington City, the establishment of a Mail Route from Tallahassee, via Sopchoppy in Wakulla County, to White Bluff or Pickett's Ville, at the mouth of Crooked River on the Apalachicola Bay, and that they use there best endeavors to have the same given out by contract at the earliest possible time.

Resolved, That the Governor be requested to transmit, duly certified, a copy of the foregoing Preamble and Resolution to our Senators and Representative in Congress.

Which was read and placed among the Orders of the Day, for a second reading on to-morrow.

Mr. Hopkins introduced the following Resolution :

WHEREAS, In 1852, an application was made to Congress for an appropriation for the improvement of the navigation of the mouth of the St. John's River, Florida: AND WHEREAS, two appropriations of ten thousand dollars each were granted, both of which were based upon the plan and estimates made by Dr. A. S. Baldwin, and which received the recommendations of the proper authorities and also the sanction of Congress :

Therefore be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly Convened, That our Delegation in Congress be requested to use their best exertions, to cause the appropriation of ten thousand dollars granted in the River and Harbor Act, passed August, 1852, for the "improvement of the St. John's River, Florida;" and also the appropriation of ten thousand dollars granted in the Light House appropriation bill for the preservation of the Light House Site at the mouth of the River St. John's, Florida, passed in August, 1852, to be restored and ap-

plied to the construction of a dam across Fort George Inlet, in accordance with the plan proposed.

And further be it resolved, That our Delegation be requested to place the appropriation in the hands of the Governor of this State, and that the money be expended and the work of construction of said dam be placed under the charge of an agent or engineer, selected by the Governor of Florida.

Which was read the first time and placed among the Orders of the Day for a second reading on to-morrow.

Mr. Filor, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave to report the following Bills as correctly Engrossed:

A bill to be entitled An act to grant pre-emptions on School Lands;

A bill to be entitled An act to amend - An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company.

Respectfully submitted,

JAMES FILOR,

Chairman.

Which was received and read, and the Bills placed among the Orders of the Day.

Mr. Long from the Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have examined and beg leave to report as correctly enrolled:

A resolution for the payment, of the Board of Internal Improvement;

Also An act for the relief of John B. Anderson,

Respectfully submitted,

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was read.

Mr. Provence from the Committee on Corporations made the following report:

The Committee on Corporations, to whom was referred a bill entitled An act to incorporate the Lagoon and Perdido Canal Company, have had the same under consideration, and

REPORT:

That they recommend that the concluding paragraph of section 8th, which is in these words, "or adequate security given for the payment thereof," be stricken out.

They further recommend that the following additional section be added to said bill, viz:

Sec. 11. *Be it further enacted,* That the opening and making of the said Canal, shall be commenced and undertaken within twenty-

four months from the passage of said bill, and shall be completed within the space of five years, otherwise the powers and franchises, hereinbefore granted, shall be null and void.

The Committee recommend that the bill, amended as hereinbefore specified, be passed:

D. PROVENCE,
Chairman.

Which was read and the bill, with amendments as recommended, were placed among the Orders of the Day.

Mr. Eppes from a Select Committee made the following report:

The Select Committee to whom was referred a memorial of the citizens of Apalachicola, in the County of Franklin, with a bill accompanying for the improvement of the navigation of the Harbor and Bay of Apalachicola, have duly considered the same, and unanimously instructed the undersigned to

REPORT:

That the Committee concur with the memorialists in the great importance of the contemplated improvement, demanded as it is by the commerce of the place, and enuring as it will, to the benefit of the interior portions of the State bordering on the Apalachicola and Chattahoochee Rivers. They can see no valid objection to the same, the object being of general utility, while the expense is altogether local in its character. They, therefore, unanimously recommend the passage of said bill.

Respectfully submitted,
T. J. EPPES,
Chairman Select Committee.

Which was read, and the bill placed among the Orders of the Day.

ORDERS OF THE DAY.

House bill to be entitled An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8th, 1848;

Was read the second time, and on motion, was referred to the Committee on the Judiciary.

A bill to be entitled, An act to prevent white persons from gaming with negroes and other persons of color;

Was read the first time, and ordered for a second reading on to-morrow.

A bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled An Act to provide for the payment of criminal prosecutions and for other purposes ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled, An act to grant Pre-emptions on School Lands ;

Was read the third time, upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Crigler, Filor, Gillis, Hawes, Hopkins, Kilcrease, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—15.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act to prevent the reduction of two pounds of Cotton per bale ;

Was read the first time, the rule waived, read the second time, and on motion, was laid on the table.

A bill to be entitled An act to incorporate a Bank in the city of Tallahassee ;

Came up on its first reading, the rule waived and the bill read a first and second time by its title, and ordered that 75 copies thereof be printed for the use of the Senate.

A bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys in this State ;

Was read the first time, the rule waived, read the second time by its title, and on motion, referred to the Committee on the Judiciary.

A bill to be entitled An act to incorporate the Lagoon and Perdido Canal Company ;

Came up on its second reading, when on motion of Mr. Eppes, said bill was laid on the table, and ordered that 75 copies of said bill together with the report of the Committee on Corporations to whom it was referred, be printed for the use of the Senate.

House bill to be entitled An act to authorize and empower Andrew J. Lea, administrator, to sell certain Real Estate therein specified ;

Was read the second time, when on motion said bill was referred to the Committee on the Judiciary.

A bill to be entitled, An act to authorize Charles H. Longworth, a minor, to assume the management of his own estate ;

Came up on its second reading.

On motion, the Senate went into Committee of the Whole upon said bill, Mr. Tracy in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported the bill back to the Senate as amended, and asked to be discharged from the further consideration of the subject.

Which report was concurred in, and the bill as amended read the second time, and ordered to be Engrossed for a third reading on to-morrow.

On motion,

The Senate adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, December 20, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present the Journal of yesterday was read and approved.

The following Enrolled Bill and Resolution which had passed both Houses of the General Assembly, and signed by the presiding Officers thereof, were transmitted for approval to his Excellency the Governor, viz :

An Act for the relief of John B. Anderson of Jackson County ;

A Resolution for payment of the Board of Internal Improvement.

The following Bills which had passed the Senate were transmitted to the House of Representatives, viz :

A Bill to be entitled, An Act to provide for the payment of the expenses of Criminal Prosecutions and for other purposes.

A Bill to be entitled, An Act to grant pre-emptions on School Lands.

A Bill to be entitled, An Act to amend an Act entitled an Act to incorporate the Jacksonville and Alligator Plank Road Company.

On motion the rule was waived, and Mr. Smith permitted, without previous notice, to introduce a Bill to be entitled, An Act to author-

ize the Comptroller to audit and settle the claim of David P. Hogue for services rendered the State ;

Which Bill was placed among the Orders of the Day.

On motion of Mr. Tracy, the Committee on Taxation and Revenue was instructed to enquire into the expediency of lessening the Tax on Saw Mills and other Manufactures in this State.

Mr. Hopkins presented a memorial from the President and Directors of the Jacksonville and Alligator Plank Road Company ;

Which was read, and on motion, referred to the Committee on Corporations.

Mr. Long, from the Committee on the Judiciary, made the following Report :

The Judiciary Committee to whom was referred a Bill to be entitled, An Act to amend an Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848, have considered the same and recommend its passage.

Respectfully submitted,

M. A. LONG,
Chairman.

Which was read and the Bill placed among the Orders of the Day.

Mr. Filor, from the Committee on Engrossed Bills, made the following Report :

The Committee on Engrossed Bills beg leave to Report the following Bills as correctly engrossed :

A Bill to be entitled, An Act to Improve the Navigation of the Harbor and Bay of Apalachicola.

A Bill to be entitled, An Act to empower Charles H. Longworth of Gadsden County, to manage his own estate.

Respectfully submitted,

JAMES FILOR,
Chairman.

Which was read and the Bills placed among the Orders of the Day.

Mr. Myrick, from a Select Committee, made the following report :

The Select Committee to whom was referred a Bill to be entitled, An Act to regulate the Performance of the duties of the Supreme Court of this State, and for other purposes, through their Chairman

REPORT :

That they have had the Bill under consideration, and recommend that the Bill do not pass.

JNO. T. MYRICK,
Chairman.

Which was read and the Bill placed among the Orders of the Day.

Also the following minority Report :

A Minority of said Committee, however, think that the Bill ought to pass, and beg leave to give their reasons therefor, and ask that the same be spread on the Journal of the Senate :

1st. The only valid objection that can, in the opinion of the Minority Committee, exist, may be found in the Constitutionality of the question. To that end, we annex the opinion of Counsel eminent in the profession of the Law, which is satisfactory to our minds, and clearly shows that it is in the power of the Legislature to repeal or otherwise regulate the Performances of said Court.

2d. The matter of expense is one of no small importance to the people of Florida. Upon an examination of the expenses arising from the present system of the Supreme Court, we find they amount to the sum of \$8,000, the Salaries to \$6,000, amounting in the whole to one-eighth of the entire expenses of the State of Florida. When we take into consideration our ability to pay, manner of payment and subjects of taxation, &c., and find the fact staring us in the face that the Bill now proposed and offered, as we honestly think, is calculated in every respect better to carry out and promote the ends of Justice than by the present and existing Supreme Court, and save, as it does, to the Treasury the large amount of money shown to be annually expended, is a consideration worthy of our most serious attention.

3d. And to this end, being fully convinced that the change proposed by the Bill herein provided, fully and to all purposes enables the ends of Justice to be carried out, we most respectfully ask that the Bill be passed.

JNO. T. MYRICIK, Chairman.
E. D. TRACY.

The Constitutional power of the General Assembly to repeal the Act organizing the present Supreme Court, cannot be well questioned. Doubts may be entertained of the expediency or propriety of abandoning the present system and returning to that upon which we set out in our career of self-government, (though to the undersigned it appears clear that both expediency and propriety require the proposed repeal of the Act referred to,) but with regard to the Constitutional right of the General Assembly to repeal the Act, it is believed no rational or well grounded doubt can exist.

The Third Section of the Fifth Article of the Constitution is in these words, viz: "For the term of five years from the election of the Judges of the Circuit Courts, and thereafter until the *General Assembly* shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by, the Judges of the several Circuit Courts within this State," &c.

The Judges of the Circuit Court were thus made for a limited period, certainly, Judges of the Supreme Court. They continued to exercise the powers and perform the duties thus conferred and re-

quired, until the passage of the Act entitled "An Act to Organize the Supreme Court of the State of Florida," approved January 11, 1851. But before this Act was passed, the Constitution was amended by an Act passed at two successive Sessions, in 1847 and 1848, by which it was provided that the Judges of the Supreme Court and the Judges of the Circuit Courts should be elected for the term of eight years, at the expiration of the term of office of the Judges of the Circuit Courts. The object of this change was simply to make the office of Judge, instead of a life tenure, merely one for a term of years.

Justices of the Supreme Court, Chancellors and Judges of the Circuit Courts were at this time elected by the concurrent vote of a majority of both Houses of the General Assembly. Such was the requirement of the Eleventh Clause of the Fifth Article of the Constitution.

Subsequently, an Act was passed to amend the Eleventh Clause of this Fifth Article, and also amendatory of the Act passed in 1847 and 1848, so as to give the election of Judges to the people. This Act was first passed in December, 1850, and provided for the election of the Circuit Judges by the people, which Judges still, however, constituted or composed the Supreme Court. The Act further provided that whenever the General Assembly should "create," (such is the term,) a separate Supreme Court, the Judges thereof should also be elected by the people, with this difference, that such Judges should be elected by general ticket.

Then came the Act to organize the Supreme Court, approved, as before remarked, January 11, 1851. This was simply an ordinary Act of the Legislature, and was nothing more nor less than an exercise of the power, derived from the Constitution, to organize a separate Supreme Court. The Constitution, as it originally stood, never meant that, when the General Assembly chose to exercise this power, the Court which they might organize should continue to be the Court even though the Legislature should determine to undo what they had done, or disorganize what they had organized. The framers of the Constitution meant nothing more nor less than this, that certain Judges should compose the Supreme Court for five years, and thereafter until what? Not until there should be a change in the Constitution, but merely until by a single Legislative Act—by an Act passed at one Session merely—there should be a new organization. And this Act, like all other Acts of the General Assembly, is subject to alteration, amendment or repeal. Accordingly, we find there was but the Act of a single Session called into requisition to organize the present Supreme Court. The Judges thereof hold their offices under that organization, and under none other.

Suppose the Third Clause of the Fifth Article of the Constitution had never been changed, but the General Assembly had seen fit, at the expiration of the first five years of State Government, to organ-

ize a separate Supreme Court, such as they did organize: could not the General Assembly have repealed that Act of organization, and have adopted another? By looking at the Clause referred to, it will be seen that it is left to the Legislature to provide otherwise or not; it is left to the Legislature, not acting as a Convention of the people, "otherwise to provide," but to that body as a Legislature, "to provide otherwise," by an ordinary act of legislation, for a separate Supreme Court. The present organization, then, does not derive its existence from an act of Constitutional solemnity, but from a simple act of ordinary legislation, calling it into existence, and consequently, like all other legal enactments, subject to alteration, modification or repeal.

Let it be borne in mind, too, that the Supreme Court called into existence by the Act referred to, did, at its first Session, solemnly determine, after argument by members of the Bar, that the Legislature had not, even by that Act, *completely* otherwise provided; but on the contrary, had retained the Judges of the Circuit Court as Justices of the Supreme Court, whenever their services might be required.

The various amendments that have been made of the Constitution, do not in the least impair the force of this argument, or weaken the view here presented. On the contrary, they support and strengthen it. The amendment adopted in 1850, and in 1852-'3, giving the election of Judges to the people, in its third Section uses this language: "That whenever the General Assembly shall *create* a separate Supreme Court, &c., under the provisions of this Constitution." Under what provisions, and under what Constitution? Manifestly under the provisions of the Constitution, or the third clause thereof, giving complete power over the whole subject to the Legislature as such. It will be observed that the language is, when the General Assembly shall "*create*." This is the language of the Constitution as it now stands. Surely it will not be contended that the power which creates cannot uncreate, or destroy. Had the General Assembly by two Acts of successive Legislatures, in the mode prescribed for altering the Constitution, organized or established a separate Supreme Court, composed of Judges other than the Judges of the Circuit Courts, the case would have been different. The Constitution then would have been entirely changed in respect to the composition of the Supreme Court, and two successive Acts would have been necessary to undo what had been so done. But the General Assembly have not done so, nor was it necessary to do so. They were authorized by a single Act to prescribe who should be Judges of the Supreme Court, and by a single Act they did so. This Legislature has, under the Constitution, the same power and the same right to prescribe how the Supreme Court shall be constituted, and of what Judges it shall be composed, and can repeal, alter or modify what their predecessors, as a Legislature, have done, if deemed expedient so to do.

Which was read.

On motion of Mr. Myrick, 75 copies of the Bill and Reports of majority and minority, together with the opinion of Counsel, were ordered to be printed for the use of the Senate.

On motion the rule was waived, and a Bill to be entitled, An Act to change the time of holding the Circuit Court in Calhoun County, was taken from the table and placed among the Orders of the Day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 19, 1854. }

Hon. President of the Senate :

SIR :—The following Bills have passed the House, viz :

Senate bill to be entitled An act to establish a Ferry at Brown's Ferry, in Jackson County, without amendment;

Senate bill to be entitled An act to allow the Supreme and Circuit Courts of this State to hold extra terms whenever the regular terms cannot be safely held, in consequence of the prevalence of any contagious disease at the time and place, or places, appointed by law for holding the regular terms, without amendment;

Senate bill to be entitled An act in relation to Evidence, without amendment;

Senate bill to be entitled An act to repeal section 4 of an act amendatory of an act entitled An act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5th, 1853, without amendment;

A bill to be entitled An act to organize the County of Volusia;

A bill to be entitled An act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River;

A bill to be entitled An act for the relief of the Town of Quincy;

A bill to be entitled An act to permanently locate the Court House of Hernando County; and

A bill to be entitled An act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854.

Seventy-five copies of the following bills have been ordered to be printed, viz :

A bill to be entitled An act authorizing County Commissioners to grant license to retail Spirituous and Vinous Liquors, and for other purposes;

A bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company; and

A bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company.

Very respectfully,

HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

The Senate Bills were ordered to be enrolled and House Bills placed among the Orders of the Day.

ORDERS OF THE DAY.

A Bill to be entitled, An Act to prevent white persons from gambling with negroes and other persons of color;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

Resolution in regard to Mail Route from Tallahassee via Sopchoppy to White Bluff or Pickettsville, at the mouth of Crooked River on the Apalachicola Bay;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Resolution in relation to the Improvement of the St. Johns Bar and the preservation of the site of St. Johns Light House;

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An Act to authorize the Comptroller to audit and settle the Claim of David P. Hogue, for services rendered the State;

Was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Claims and Accounts.

House Bill to be entitled, An Act to amend an Act entitled an Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—16.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act to authorize Charles H. Longworth, of Gadsden County, a minor, to assume the management of his own estate;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act to Improve the Navigation of the Harbor and Bay of Apalachicola;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Epper, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, An Act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

Was read a first time, and ordered for a second reading on tomorrow.

House Bill to be entitled, An Act to organize the County of Volusia ;

Was read the first time, and ordered for a second reading on tomorrow.

House Bill to be entitled, An Act making additional appropriation to defray the expenses of Criminal prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854 ;

Was read the first time, and on motion of Mr. Tracy was laid on the table.

House Bill to be entitled, An Act to permanently locate the Court House of Hernando County ;

Was read the first time, and ordered for a second reading on tomorrow.

House bill to be entitled An Act for the relief of the Town of Quincy ;

Was read the first time and ordered for a second reading on tomorrow.

On motion the rule was waived, and the following message from the House taken from the table :

HOUSE OF REPRESENTATIVES, }
December 20, 1854. }

Hon. President of the Senate :

SIR—The House has passed enclosed bill to be entitled An Act to amend the act incorporating the City of St. Augustine, approved February 4th, 1833.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

Which was read, and the bill placed among the orders of the day.

A bill to be entitled An Act to change the time of holding the Circuit Court in Calhoun County ;

Was read the second time, the rule waived, read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Epper,

Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Smith, Tracy and Wynn—17.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An Act to amend an act amendatory of the act to incorporate the City of St. Augustine, approved 4th February, 1833;

Was read the first time by its title, the rule waived, read a second time by its title, and on motion of Mr. Provence, the Senate went into Committee of the Whole on said bill, Mr. Myrick in the chair.

After some time spent therein, the Committee rose, and through their chairman reported the bill back to the Senate with amendments, and asked to be discharged from the further consideration of the same.

Which was concurred in, and the amendments adopted.

On motion, the Rule was waived, and the bill read the third time as amended and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the bill passed as amended.

Ordered that the Secretary inform the House of Representatives of the several amendments, and ask the concurrence of the House in the same.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, December 20, 1854. }

Hon. H. V. SNELL,

President of the Senate :

SIR :—I respectfully nominate Herrod K. Doles, as Auctioneer in and for the County of Calhoun.

JAMES E. BROOME.

Which was read, and the nomination therein made, was advised and consented to.

Also the following:

EXECUTIVE CHAMBER,
TALLAHASSEE, December 16, 1854. }

Fellow-Citizens of the Senate

and House of Representatives :

The suit which has been pending for some years in the Supreme Court of the United States, between the States of Georgia and Florida, to settle definitely the Boundary Line between the two States, has not yet been decided. At the last Term of the Court, an interlocutory decree was obtained, on the application of both parties,

raising a Commission, to be composed of one Commissioner and one Surveyor on the part of each State, and to be named by the States respectively. They were required, "First, To run and mark a line from the confluence of the Flint and Chattahoochee Rivers to the Eastern terminus alleged by the complainant to have been determined by Elicott and Minor, as Commissioners on the part of the United States and Spain, under the Treaty of San Lorenzo el Real; Second, If they shall find such terminus not to be the true head or source of the St. Marys River, then to run and mark another line, from the confluence of the Flint and Chattahoochee, to the point which they shall ascertain to have been, at the date of the Treaty, such true head or source," &c. A copy of the interlocutory decree is herewith communicated, marked A. This interlocutory decree was, by the counsel of the respective States, and with the consent of Governor Johnson and myself, so far modified as to permit the work to begin at the point indicated by Elicott and Minor as the head or source of the River. This was done with the hope that an actual examination would lead to a concurrence of opinion on the part of the Commissioners, and possibly save the expense of running one of the lines authorized by the Court. A copy of that modification is herewith communicated, marked B. The investigations, Surveys, Maps, &c., to be made by this Commission, were considered very important, and as no Session of the Legislature was to take place between the date of the decree and the time which it fixed for completing the work, filing the Reports, &c., I represented the State, under the Act approved December the 24th, 1850, by naming Col. Benjamin F. Whitner as the Commissioner, and Benjamin F. Whitner, Jr., as the Surveyor on the part of this State.

These gentlemen entered upon the discharge of the duties assigned them under circumstances of the most trying character, endangering health and life, and with a perseverance and ability worthy of better results, continued in the field until the work was arrested by the withdrawal of the Commissioner and Surveyor named by His Excellency the Governor of Georgia. For more particular information on this point, you are respectfully referred to the letter of His Excellency Governor Johnson, dated September the 14th, 1854, marked C., to my letter in reply dated September the 20th, 1854, marked D., and to the report of Col. Benjamin F. Whitner, dated September 18th, 1854, marked E., copies of which accompany this communication. In addition to these, you are respectfully referred to another communication of Col. Whitner, dated December the 8th, 1854, marked F., embracing a statement of expenses, and calling my attention to the subject of compensation. This is accompanied by an extract of a letter addressed by him to Major Allen, the Commissioner on the part of Georgia, dated September 25th, 1854, which will show the character of the services performed by the Surveyor on the part of Florida.

On the subject of compensation, I agreed with the Commissioner

that the usual and even liberal compensation would be allowed, in consequence of the unpropitious season of the year, and the necessity for pressing the work forward to an early completion. On the same subject, I addressed a communication to the Surveyor, dated July the 8th, 1854, a copy of which is herewith transmitted, marked G., to which you are respectfully referred. The gentleman who had been selected by the United States to run the line between Alabama and Florida, was selected by me to run this line, and I stipulated that his compensation should have reference to the compensation received for that service. This I considered proper, because the United States, as the proprietor of the land on the whole route, would be expected, of course, to refund the expenses of the survey, and if they were made to conform to their own contract on the Alabama line, no difference could arise on that point.

Towards defraying the expenses of the Commission, procuring the outfit, &c., I advanced from the Contingent Fund nine hundred dollars, and now respectfully recommend an early appropriation, to cover such amounts as may be properly due, and remaining unpaid, on account of expenses and compensation to the Commissioner and Surveyor.

JAMES E. BROOME.

DOCUMENTS REFERRED TO.

[A. & B.]

STATE OF FLORIDA,	}	SUPREME COURT OF THE UNITED
vs.		STATES, December Term, 1853.
STATE OF GEORGIA.	}	In Equity.

On consideration of the application of the Counsel of both the Complainant and the Defendant in this Cause, it is now here Ordered and Decreed by this Court, that a Commissioner and Surveyor be named by each of the parties, whose duty it shall be :

1st. To run and mark a line from the Flint and Chattahoochee Rivers to the Eastern terminus alleged by the Complainant to have been determined by Ellicott and Minor, as Commissioners on the part of the United States and Spain, under the Treaty of San Lorenzo el Real.

2d. If they shall find such terminus not to be the true head or source of the St. Marys River, then to run and mark another line, from the confluence of the Flint and Chattahoochee to the point which they shall ascertain to have been, at the date of the Treaty, such true head or source.

3d. That a Report by the said Commissioners of their proceedings and observations, together with such Plats as may be necessary to the understanding of their Survey, be made and filed with the Clerk of this Court, on or before the first Monday of November next; and that this Cause be, and the same is hereby set down for hearing on

the second Monday of December next, on all the points arising on the Pleadings and Evidence, without holding either party to be bound or prejudiced in respect thereto by anything in this Interlocutory Decree contained.

(Attest,)

WM. THOS. CARROLL,
C. S. C. U. S.

January 4th, 1854.

[*Copy of Agreement in the above Cause—May, 1854.*]

By and with the consent of the Governors of Florida and Georgia, the undersigned, Solicitors for the parties respectively, have agreed as follows :

1st. The Commissioners and Surveyors, in the execution of the Interlocutory Order of the Court, may begin by examining the point alleged to have been determined, by Ellicott and Minor, as the head or source of the St. Marys River. If they find that to be the true head or source, then they shall run a line from thence to the confluence of the Flint and Chattahoochee.

2d. If they find that not to be the true head or source of the St. Marys River, then they are to search for such head or source, and having ascertained and determined the same, they shall run a line from thence to the confluence of the Flint and Chattahoochee.

3d. The undersigned consent to waive all objections to any departure from the terms of the Interlocutory Order which shall be consistent with the terms of this Agreement.

(Signed)

M. D. PAPY,

Attorney General of Florida, for himself, and
REVERDY JOHNSON,

Solicitors for Complainant.

JOHN McPHERSON BERRIEN,
for himself, and

GEO. E. BADGER,
Solicitors for Defendant.

[C.]

EXECUTIVE DEPARTMENT,

MILLEDGEVILLE, GEO., September 14th, 1854. }

His Excellency Gov. BROOME, Tallahassee, Fla.

DEAR SIR :—I am advised by Major Allen, the Commissioner of the part of Georgia, that he and Col. Whitner, the Florida Commissioner, differ in opinion as to the true "Head or source of the St. Mary's River." The former believes Lake Randolph, and the latter that the point designated by Ellicott and Minor, is the true "head or source." They are now engaged, as you are doubtless apprised, in running the line from the point designated by Ellicott and Minor

to the Western terminus. Thus differing, Maj. Allen, by my direction, in accordance with what I thought and still think is the fair interpretation of the original interlocutory decree and its modification by consent of the parties, has proposed to Col. Whitner to unite in running a line also from Lake Randolph to the Western terminus, in order that the Court may have both surveys before them, and the respective views and arguments of the two Commissioners, as to the points for which they severally contend as the true head or source of the St. Mary's. Col. Whitner declines to unite in such survey, upon the ground that he does not think he finds any "authority either in the original or modified decretal order," requiring him to do so. This state of things is much to be regretted, as it may result in the utter defeat of the object designed by the Court in ordering the survey to be made, and the delay of settling a question which it is so desirable should be finally determined. With great respect for him and his opinions, I must be permitted to differ with him.

The construction of the decretal order, and its modification as understood by me and the Counsel in behalf of Georgia, is briefly this. I beg you to refer to the papers. You will see that the Court evidently intended that *a single line* should be run *only* in the event that the two Commissioners *should agree* that the *point designated by Ellicott and Minor*, is the true "*Head or source of the St. Mary's River.*" Nor is this contradicted or contravened by the agreement which modifies the original order. The original order in the event the Commissioners find the point determined by Ellicott and Minor not to be the true "Head or source," directs a second line to be run. They do not find it to be the true "Head or source," because they do not concur in the opinion that it is so. Therefore the second line is to be run. This intention is still more clearly and affirmatively disclosed by the agreement which modifies the interlocutory decree. That requires them to examine the point "alleged to have been determined by Ellicott and Minor, as the true head or source of the St. Mary's River." "If they find that to be the true head or source of the St. Mary's River, then they shall run a line from thence to the confluence of the Flint and Chattahoochee." If they do not find it to be the true head or source (and they must agree in opinion to do so) then they are to search for "such head or source, and having ascertained and determined the same, they shall run a line from thence," &c., &c. I thus call your attention to this construction in the confident belief that you will concur with me, that not agreeing, that the point determined by Ellicott and Minor is the true head or source, it is the duty of the Florida Commissioner to do something more—to unite with the Georgia Commissioner, at least, in a search for the true head or source.

I present to your Excellency one other view. If the commission adhere strictly to the mere *letter* of the order of the Court, it will necessarily lead to an abandonment of the survey. The Court evi-

decently contemplated that the Commissioners could or would agree as to the true head or source of the St. Mary's, and without such agreement they would not be authorized to run any line whatever. But I have been, and am still disposed to waive this objection, provided, that by *express agreement* the Florida Commissioner will unite in running the line from Lake Randolph. I am willing to carry into effect the true meant *spirit* of the decretal order and modifying agreement, seeing that in consequence of an unanticipated disagreement between the two Commissioners, it cannot be executed to the *letter*. It is for the purpose of exhibiting to your Excellency my great anxiety for the termination of this unpleasant controversy, that I trouble you with so explicit and elaborate a statement of my construction of the authority under which the survey is progressing. But notwithstanding such anxiety, I shall feel constrained to instruct the Surveyor and Commissioner on the part of Georgia, to retire at once from the work, unless your Commissioner will unite in running the proposed line from Lake Randolph. And as preliminary to this, this mail will bear to the Georgia Commissioner instructions to *suspend*, until the Florida Commissioner, under your instructions, shall agree or refuse to unite in such survey, and upon his *refusal* he, the Georgia Commissioner, will be instructed immediately to withdraw from the work.

I beg your Excellency not to misapprehend the spirit of this determination. It is neither designed to produce delay, nor to operate as a menace to Florida. It is simply to prevent the incurring of any additional expense in the execution of a survey which will be perfectly nugatory, if the Commissioner on the part of Florida persists in his present determination. I say nugatory, because according to the letter of the decretal order and the agreement which modifies it, no line is of value which is not run from a point, *admitted* by both Commissioners to be the true head or source of the St. Mary's.

You might here ask, why then insist on running the Lake Randolph line, when they do not concur in the opinion that *that* is the true head or source of the St. Mary's? I reply thus. It seems there is no hope of the two Commissioners agreeing on this point, and according to the *letter* of the *order* of the Court, a line run from neither of the points contended for would be regarded as necessarily binding upon either party. The two Commissioners are divided, as the two States have always been—the one contending for the Eastern terminus, as designated by Ellicott and Minor, and the other for Lake Randolph. Hence, it would seem, that one or the other of these is the true head or source of the St. Mary's. By running a line from both points to the Western terminus, the *spirit* of the decretal order will have been executed, and the Court will have before them the report of the two Commissioners each embodying the views, arguments, surveys, observations, measurements and testimonies, b

which they may finally decree in favor of the one or the other point. Looking at the subject thus, I am impressed with the belief that the interest of both States will be promoted by the two Commissioners concurring in all surveys, which in the opinion of either will elucidate the point in controversy.

For the purpose of showing your Excellency the spirit with which the survey was begun on the part of Georgia, I copy an extract from my letter of instructions to the Georgia Commissioner under date of June 1st, 1854.

"It may happen that you and your Florida co-laborers may differ in some points, *especially* that of the true head or source of the St. Mary's. It is hoped that such will not be the case; but in all such cases you will co-operate in all such Surveys, measurments, explorations, &c., as they may desire to make, and I doubt not they will cheerfully reciprocate the courtesy. In this way you cannot differ as to facts of mathematical calculations, however you may differ as to your deductions from them. Where you agree, let it be so stated distinctly; where you may differ, fortify yourself with all the facts on which your conclusions may be based. This is especially important in relation to the true head or source of the St. Mary's; for that, at last, is the great point of controversy between the two States, and the real object of the Survey is to furnish authentic facts to the Court, to enable them to decree finally and correctly in the premises." While this evinces the spirit which animates Georgia, it shows also that the construction of the decretal order herein presented is no after thought.

Hoping that your Excellency's views may accord with my own, and that you will instruct your Commissioner to unite in the Survey of the Lake Randolph line, I have nothing to add but the assurances of high consideration and respect with which

I am, truly, your obedient servant,
HERSCHEL V. JOHNSON.

[D]

EXECUTIVE CHAMBER, }
TALLAHASSEE, FLA., Sept. 20, 1854. }

His Excellency HERSCHEL V. JOHNSON,

Milledgeville, Georgia,

Sir:—Your communication of the 14th inst., respecting the Boundary Commission now employed in surveying a line from a point near Ellicott's Mound on the St. Marys River, to the confluence of the Flint and Chattahoochee, is received. Considering an examination of the correspondence which has taken place between the Commissioners on this subject necessary before attempting a reply, and no copy having been filed in this Department, I have delayed a few

17 S

days, and now avail myself of the earliest day, after having obtained access to that correspondence, to reply to your letter.

You state that you "are advised by Major Allen, the Commissioner on the part of Georgia, that he and Col. Whitner, the Florida Commissioner, differ in opinion as to the true head or source of the St. Marys River." * * * That "the former believes Lake Randolph, and the latter, the point designated by Ellicott and Minor is the true head or source," and you request me to instruct Col. Whitner to unite with Major Allen in surveying the Lake Randolph line.

The commission I regard as having been raised (on the joint application of the parties to the suit) by the Supreme Court of the United States, the States who were parties being authorized simply to "name" each a Commissioner and Surveyor. The duties to be performed by this commission are not, in my judgment, to be determined by the respective States, but are clearly and plainly defined in the interlocutory order, and are as follows: "Whose duty it shall be, first, to run and mark a line from the confluence of the Flint and Chattahoochee Rivers, to the eastern terminus alledged by the complainant to have been determined by Ellicott and Minor, as Commissioners on the part of the United States and Spain, under the treaty of San Lorenzo El Real. Second, if they shall find such terminus not to be the true head or source of the St. Marys River, then to run and mark another line, from the confluence of the Flint and Chattahoochee to the point which they shall ascertain to have been, at the date of the treaty, such true head or source," &c. This order was, at my instance, so modified as to authorize the examinations to precede the surveys, and in the hope of saving the expense of running one of the lines provided for by the Court. The correspondence, I think, shows this, and I presume that none of us considered the modification a withdrawal of the cause from the Supreme Court, and an abandonment of the survey ordered, unless the Commissioners agreed upon a point as the head or source of the St. Marys River. Taking this view of the matter, and regarding the parties named by me as officers of the Court, I gave them no instructions, (except as to the expenses of the commission, &c.,) but furnished them a copy of the interlocutory decree, and of the modification made by consent of parties, with a notification that they were required to discharge the duties therein assigned them. I supposed the object of the Court in raising this commission, was to procure correct surveys, observations, maps, &c., with such additional and authentic information touching the questions at issue, as would aid them in arriving at a correct conclusion. If so, I think it will be conceded, that they did not intend in raising the commission, to place it under the instructions of either of the parties in interest, in reference either to the manner or the extent to which the duties enjoined should be performed. Believing, therefore, that Col. Whitner is the Commissioner of the Supreme Court, and not the agent of the State of Florida, your Excellency will readily perceive that I cannot make the order desired.

I am aware that the action of your Excellency implies a different construction of the interlocutory order, and in differing with you in opinion, I hope you will be assured that I do so most reluctantly, and with entire respect.

Although I have been compelled to decline the order desired, I stand ready to do all in my power to promote an early and satisfactory settlement of this unpleasant controversy, and as I think that the action of your Excellency in suspending the work, or withdrawing the Commission on the part of Georgia, will have an unhappy effect, and lead to no good result, I propose to devote a few moments to that branch of the subject.

Major Allen, the Commissioner on the part of Georgia, whether subject to the instructions of the Court, or those of your Excellency, certainly visited the St. Marys, with authority to consent or agree to the running of a line from the point indicated by Ellicott and Minor to the confluence of the Flint and Chattahoochee Rivers. This was the first duty under the order, except that the work was to precede any examination, by *commencing at the confluence of the Rivers*. This was a duty that he was authorized to omit only on one condition, and that was that the Commissioners, under the consent modification, should agree upon some different point as the true head or source of the River. If Major Allen had authority to unite in running a line from that point, or from any other point, he had authority to refuse to unite in running such line; and when the proposition was made by his co-Commissioner, that was the time to make it known. Now if Maj. Allen, (having the authority,) not only did not refuse, but actually did consent to unite in running the line proposed, and if, under such consent, the guide line has been run, and corrected back about one half of the whole distance, at an expense to the State of Florida of several thousand dollars, I ask your Excellency whether it would be an act of good neighborhood, or even of good faith, to suspend the work, or withdraw the Commissioner on the part of Georgia? If Major Allen is regarded by your Excellency as the agent of the State of Georgia, then his consent and participation should be considered the consent and participation of the State. If, on the other hand, he is regarded as the agent or officer of the Supreme Court, then where will your excellency find authority for withdrawing him?

I understand your Excellency, however, as basing your action upon the refusal of Col. Whitner to unite in running a line from Lake Randolph to the confluence of the Flint and Chattahoochee. The Commissioners have not agreed, as is shown by the correspondence, on Lake Randolph as the head or source of the River, and excepting the line now being run, I think your Excellency will not find, either in the interlocutory order, or the modification by consent, authority conferred on the Commissioners to run any line except one on which they could agree.

But suppose, for the purposes of this argument, we concede that they may run a line from such a point as may be claimed by either

of them. The question then arises, at what stage of the investigation should this consent be made? Suppose Major Allen, on his arrival at the Suwannee Springs, on the 20th of June, had proposed to run a line from Lake Randolph; would your Excellency consider that the time had arrived when it would be proper to decide that question? Or suppose such a proposition submitted at any time during the investigation with which the Commissioners were charged, and prior to its conclusion, would your Excellency consider the time had arrived for a decision? I think not. Florida is willing to await the result of a full and fair examination of all the streams, and I hazard nothing in saying that, should such examination show that Lake Randolph is the true head or source of the St. Marys, Col. Whitner will most cheerfully unite with Major Allen in running that line.

But your Excellency demands a pledge in advance of the examination, and the demand seems to be based upon the supposition that the examinations have been closed, and the Commissioners have fixed upon their points; that they have disagreed, and as Col. Whitner is having his line run, Major Allen must have his. This I respectfully suggest is an erroneous view of the question. An examination of the correspondence between the Commissioners, will, I think, satisfy your Excellency that Col. Whitner simply declined to name any new point in advance of the examination which was to be made of the Okefenokee Swamp, but stated to Major Allen that if he had any point to name, he would consider it. Major Allen named Lake Randolph, to which Col. Whitner dissented, and in doing so, he simply claimed the North instead of the middle prong as the true St. Marys River; but at what point he would fix the head or source, his examinations did not then authorize him to say. Having selected different streams as the main River, there was no prospect of an agreement in reference to its head, and as the weather was oppressively warm, and no competent guides to be had, the further examination was postponed until the line ordered by the Court, from the point designated by Ellicott and Minor, to the confluence of the Flint and Chattahoochee, should be finished, when it was agreed that the further examinations should be made. Col. Whitner will then fix a point, and if Major Allen dissents, each will present to the Court the evidence upon which they base their opinions.

It is possible that the correspondence may not be filed in the Executive Office of Georgia, as it is not here, and I will therefore make such extracts as I think sufficient to sustain the views which I have presented.

July 13, Major Allen to Col. Whitner:

"I am, of course, to understand you as insisting on the line directed to be run, and marked by the interlocutory order of the Supreme Court of the United States, from the confluence of the Flint and Chattahoochee Rivers to the point said to have been determined by Ellicott and Minor as the head or source of St. Marys River. In

my best judgment, such point does not indicate the true head or source of St. Marys River. Do I understand you correctly as insisting on the line above referred to? If so, any proposition of another point as the true head or source of the St. Marys River, would be unnecessary."

July 13, Colonel Whitner, in reply to Major Allen :

"The extent of the intimation made by me, to which you allude, was intended to be simply that *I* was not prepared, after the examinations which have been made, to propose any new point for the Eastern terminus of the line we are required to have run, and to request, that if you have any new point to propose for such terminus, you would proceed to reduce such proposal to writing, &c. I beg now to say, further, that it is premature to consider the question respecting our further proceedings until this point is disposed of."

July 13, Major Allen proposes Lake Randolph as the Eastern terminus.

July 14, Colonel Whitner disagrees, and says :

"As we have thus failed to agree on another point as the head of St. Marys River, there can be no doubt of our duty, under the decretal order of the Supreme Court, to run a line from the confluence of the Flint and Chattahoochee Rivers to the Eastern terminus alleged by the Complainant to have been determined by Ellicott and Minor, and which I understand to be," &c.

"The order of the Court required this line to be run in any event, and in the first instance, although its modification by the Solicitors of both parties requires the examination to precede the running of any line, and, in case the Commissioners should agree on any other point, might justify us in omitting to run the one above described."

Our examination is still imperfect in one particular. We have traced the chief and almost only sources of that branch of St. Marys River on which Mound B. is placed, to be, in ordinary low water, by various streams issuing from the Okfenokee Swamp, but have not ascertained the distance in or across the swamp that these streams run, or the source to which their waters can be traced. In respect to the waters emptying into the Middle Prong, this has been done at the instance of the Defendant on a former occasion, and I have been content to accept their report as to that fact, and to rely on the statements of others, who are familiar with this point. But in this extraordinary season of heat, &c., it is evidently impracticable to penetrate this swamp now, and spend days and nights in it, without a reckless disregard of health and life. * * And there is not more than sufficient time to run this line and correct it back, and for the Surveyors to have their work prepared to be reported at the time required by the Court, even under the most favorable circumstances of weather and the health of the surveying party. Under these circumstances, I propose that this examination be deferred, and that the Surveyors proceed to run a random or guide line from the points named by Ellicott and Minor," &c. "And I propose this the more

re.. "ily, because your own proposition of a new point satisfies me that, should a full examination of the waters of the Okefenokee Swamp convince me that the point established by Ellicott and Minor is too far South, we should not agree to move it further North, and so it would have no practical influence on the further performance of our duties."

Same day, July 14, Major Allen to Col. Whitner:

"I concur with you now, that we do not agree that it becomes our duty to have run and marked, the line indicated by the Supreme Court," &c. "In my judgment this is the proper time to make any examination desired, and we are now, as we have always been, ready to assist and unite in any examinations desired to be made."

July 15, Col. Whitner to Major Allen:

"I am pleased to learn from your's of yesterday, (handed me this morning) that you concur in our duty to have the line run first directed by the Court, as described in each of our last notes. I acknowledge your readiness as now expressed and heretofore uniformly evinced, to join in making any further examinations I deem important. But I do not concur, that, under existing circumstances, those I alluded to should now be made. The running of the line I consider much the more important duty of the two, and therefore wish not to increase the risk of failing in it. And I will add another great inducement to postpone the further examination of the Okefenokee Swamp, which is, that we know of no competent guides able to serve us to more than a limited extent at present. But by now giving out an intimation that we shall need such guides, and will pay suitably for their services, there are no doubt many amongst those living in the neighborhood, who will take pains to qualify themselves fully against the time when the surveyors return with their corrected line, and thus save a large amount of expense, as well as much time, labor and exposure in making the proposed examinations hereafter. I beg, therefore, respectfully to adhere to my proposal of yesterday."

July 15, Major Allen to Col. Whitner:

"We will cheerfully unite with you in any further examination of the Okefenokee Swamp you may desire to make, and concur in your proposal of guides. You will understand me as not attaching the importance to the examination you seem to do."

I have thus extracted largely from the correspondence, to show that Col. Whitner's election is yet to be made, and depends on an examination to be gone into on the return of the surveying party.—The correspondence shows a good understanding on this subject up to the date of the last letter from which I have extracted—shows Major Allen as agreeing promptly to unite in running the line on which the surveyors are now engaged—shows that he agreed, without reserve or condition, to unite, on the return of the surveyors, in making any further examinations desired—concurred with Col. Whitner in his proposal of guides, and in doing all this, failed even *to intimate a desire in any of his notes*, that a line should now be

run from Lake Randolph to the confluence of the Rivers. The Commissioners may have had conversations in reference to this line, but as they had agreed that their *official* action should be in writing, it was, I think, proper that so important a proposition should have been distinctly submitted. And especially should this have been the case, when it is regarded by your Excellency as of such overshadowing importance, to be made a condition precedent to the closing of the present line.

I expect to place before the Commissioners, before they close their investigations, evidence, which I incline to think, will be regarded as conclusive, that the North Prong was the true St. Mary's River, and that as late as the year 1824 there was no question of the fact by those familiar with the two streams. Should I succeed in offering such testimony, I am sure that your Excellency and Major Allen will both abandon the present demand. The question will then be, the points on the North Prong to be agreed upon as the true head or source of the River, and I have little doubt that such point will be found considerably North of the Mound. With the testimony and examinations thus incomplete, I respectfully submit to your Excellency that your demand to have the line run from Lake Randolph is premature.

Florida and the United States have always regarded the question as closed by the action of the Commissioners, and of the parties in interest, and have been willing so to consider it. Whether it is or is not closed, is the first question to be determined by the Court. If they decide that affirmatively, then there will be no necessity for another line. If it is held to be an open question, the parties can take such additional interlocutory orders as will secure a final decree at the succeeding term of the Court. The report of this Commission is required to be filed on the first Monday in November, and there is no time to run another line, and plat and report this one. The line now being run will be regarded as the Court's line, and will not be at all likely to indicate the opinion of either of the Commissioners. I hope, therefore, that your Excellency will concur with me in opinion, and will review your determination to withdraw the Commissioner on the part of Georgia, and permit the line now being run to be corrected back and closed.

With sentiments of the highest consideration and respect,

I am your Excellency's ob't. servant,
JAMES E. BROOME.

[E.]

TALLAHASSEE, September 18th, 1854.

To JAMES E. BROOME,
Governor of Florida :

SIR:—Your Excellency having done me the favor of a perusal of

the letter you have just received from Gov. Johnson, which animadverts upon my conduct as a Joint Commissioner, acting under the order of the Supreme Court of the United States, with a request that I would furnish you with such statements and explanations of my conduct as will enable you to make a suitable reply, I lose no time in doing so. My conduct, it seems, is made the ground for his interfering with the proceedings of the Commission, by already directing the Commissioner and Surveyor named by Georgia to suspend further co-operation in running the line now in progress, until your answer is received, and stating the further determination to order them to withdraw altogether, unless, under your instructions, my views of my duties conformed to his opinions. I feel mine to be a serious responsibility, from which I will not shrink, while I sincerely thank your Excellency for this early opportunity to explain and vindicate the grounds on which I have acted.

I may have entered upon the performance of my duties under an erroneous impression, which was, that while the Court ordered that a Commissioner and Surveyor be named by each of the parties, yet after they were so selected or named, their authority, duty and instructions as to the manner of the commission to be executed, must come from the Court alone. You proposed no conditions or instructions, except as to expense, outfit, compensation, &c. The scope and extent of the powers and duties set forth in the order of the Court, were carefully examined and weighed beforehand, as I felt most anxious to understand all that was required of me; and when I met Major Allen, and compared opinions with him touching our duties, my attention was directed solely to the interlocutory order of the Court and its subsequent modification by Counsel. Had I supposed that he felt himself bound by any instructions, as to what he was to do or insist on my doing, emanating from any source outside of that order, or dictating the construction we were to give it, I should certainly have insisted on being fully informed on the subject. I considered that we were appointed, not to negotiate, arbitrate or compromise, as the representatives of the two States, but simply to examine into and settle a disputed point, if able to agree, and if not, then to perform a duty prescribed by the Court.

The order recites that it was made at the instance, and with the consent of the Solicitors of each party. The duties it prescribes seem to me easily understood, and are the following:

"1st. They are to run and mark a line from the confluence of the Flint and Chattahoochee Rivers to the Eastern terminus alleged by the Complainant to have been established by Ellicott and Minor."

Except to ascertain the latter point, which the Commissioners did without difficulty, this work was entirely artistic, to be executed by the Surveyors, upon such plan as they might suggest and the Commissioners approve.

"2d. If they shall find such terminus not to be the true head or source of the St. Marys River, then to run and mark another line

from the confluence of the Flint and Chattahoochee to the point which they shall ascertain to have been, at the date of the Treaty, such true head or source."

The language of this clause of the order warrants the construction that "they," to wit, both Commissioners, must "*find*," that is to say, must *decide or agree* that this terminus is *not* the head or source of the river, before they are authorized or required to run "*another line*." Either one may so "*find*" or decide, but this would not be a *joint* finding or deciding. Yet, suppose this phrase in the order was intended to affirm a negative instead of a positive proposition, and had said, "if they shall *not* find the said terminus to be the true head," &c., "then to run and mark another line," &c., the question then arises, Where to? and the answer is, "To the point which *they* shall ascertain," &c. Is not this point to be *jointly* ascertained by *both* Commissioners? If not, why use the plural "*they*?" If any line, heretofore or now contended for by Georgia, was also to be run, why not have stated it in so many words? Why appeal to their *judgment*, and require the Commissioners to *investigate* such point, if their duty was simply executory? If they were merely to make examinations, observations, &c., but to be clothed with no right to exercise any discretion—at least if the Commissioner named by Florida was to have none of his own in the matter—the order is certainly expressed in very infelicitous terms.

Gov. Johnson says that "not agreeing that the point determined by Ellicott and Minor, is the true head or source (of St. Marys), it is the duty of the Florida Commissioner to do something more—to unite with the Georgia Commissioner, at least in *search* for the true head or source." I concur fully that this was my duty, and I certainly supposed I had performed it to the full extent that Major Allen proposed or desired. And Gov. J. is referred to the "statement" of this part of our work, agreed on and signed in duplicate by Major Allen and myself, and witnessed by both surveyors, dated 18th July, 1854; which shows that fifteen or sixteen days were devoted to this "search," and the surveys, measurements and examinations, &c. connected with it; and that they were suspended at my instance, as the correspondence shows, only in a direction north of the terminus of Ellicott and Minor, of which Gov. J. has no cause to complain, if your Excellency is satisfied.

These examinations, it is true, did not carry conviction to my mind that the middle or west prong was the main St. Marys River, nor enable me to ascertain "the Southern extremity of Lake Randolph" (as proposed by Major Allen) "to have been, at the date of the Treaty, such true head or source;" and of course I had no hesitation in declining to agree to that as the Eastern terminus of the line we were directed to have run. And I had previously informed Major Allen "that I was not prepared, after the examinations which have been made, to propose any new point for the Eastern terminus of the line we are required to have run," &c.

Gov. Johnson further says, "that Col. Whitner believes that the point designated by Ellicott and Minor is the true head or source," and intimates that the line we are having run was begun at my instance, in consequence of my adopting this terminus as the head of St. Marys River, and not because the Court had ordered it to be run. As Major Allen has strenuously endeavored to force me into this position, in a recent part of our correspondence, I must suppose that Gov. J. has made this statement without having seen that part of it which passed before we begun the line. And as I have no hope to make it any clearer that such was not my position; than in the language I then used, I will extract from our letters all that bears on this point, in hopes that I shall be better understood by your Excellency, at any rate.

Major Allen, in his first note of the 13th July, 1854, says:

"I am, of course, to understand you as insisting on the line directed to be run and marked by the interlocutory decree of the Supreme Court of the United States, from the confluence of the Flint and Chattahoochee Rivers to a point said to have been determined by Ellicott and Minor, as the head or source of St. Marys River. In my best judgment, such point does not indicate the true head or source of St. Marys River. Do I understand you correctly as insisting on the line above referred to? If so, any proposition of another point as the true head or source of the St. Marys River would be unnecessary."

He evidently meant, by this term "*insisting*," to inquire if he was to understand me as *adopting* that terminus as the head of the River.

On the same day I replied to this note as follows:

"The extent of the intimation (in mere conversation) made by me, to which you allude, was intended to be simply that *I* was not prepared, after the examinations which have been made, to propose any new point for the Eastern terminus of the line we are required to have run," "and to request that if *you* had any new point to propose for such terminus, you would proceed to reduce such proposal to writing," &c. "I beg now to say, further, that it is premature to consider the question respecting our further proceedings, until this point is disposed of."

Surely, this neither affirms nor implies that I had either adopted or rejected the point said to be established by Ellicott and Minor.

Major Allen in reply, the same day, (July 13th,) says:

"You do not answer my question, as to whether you insist on the line directed to be run and marked," &c., "but renew a request orally made, that if I have any new point for the Eastern terminus of the line required to be run, that I would propose it. With great confidence, I propose as such Eastern terminus the Southern extremity of Lake Randolph or Ocean Pond."

July 14, 1854, I state to Major Allen in reply:

"The new point you propose 'with great confidence' as the head

of St. Marys River, I feel equal confidence in declining to agree to, as having; in my judgment, no just claim to be adopted as such," &c. And then proceed as follows: "As we have thus failed to agree on another point, as the head of St. Marys River, there can be no doubt of our duty, under the decretal order of the Supreme Court, to run a line from the confluence of the Flint and Chattahoochee Rivers, to the eastern terminus alledged by the complainant to have been determined by Ellicott and Minor, and which I understand to be," &c.— "The order of Court required this line to be run, in any event, and in the first instance, although its modification by the Solicitors of both parties requires (permits) the examination to precede the running of any line, and in case the Commissioners should agree on any other point, might justify us in omitting to run the one above described.— Our examination is still imperfect in one particular. We have traced the chief and almost only sources of that branch of the St. Marys River on which mount B is placed, to be, in ordinary low water, by various streams issuing from the Okefenokee Swamp, but have not ascertained the distance in or across the Swamp that these streams run, or the source to which their waters can be traced. In respect to the waters emptying into the middle prong, this has been done at the instance of the defendant on a former occasion, and I have been content to accept the report as to that fact, and to rely on the statements of others who are familiar on that point. But in this extraordinary season of heat, &c., it is evidently impracticable to penetrate this swamp now, and spend days and nights in it without a reckless disregard of health and life." "And there is not more than sufficient time to run this line and correct it back, and for the surveyors to have their work prepared to be reported, at the time required by the Court, even under the most favorable circumstances of weather, and the health of the surveying party. Under these circumstances, I propose that this examination be deferred, and that the surveyors proceed to run a random or guide line from the point named by Ellicott and Minor;" "and I propose this the more readily because your own proposition of a new point satisfies me, that should full examination of the waters of Okefenokee Swamp convince me that the point established by Ellicott and Minor is too far south, we should not agree to move it further north, and so it would have no practical influence on the further performance of our duties."

Surely here is evidence of anything else but the *adoption* on my part of the terminus of Ellicott and Minor, although it shows conclusively that I had no doubt they had properly chosen the north branch as the main stream of St. Marys. How could language make it plainer that I proposed this line to be run, because the *Court ordered* it, and not because *I adopted* it? Major Allen in both of his precious notes, described it as "*the line directed to be run by the decretal order of the Court,*" and I felt no doubt that we both were *agreed* as to the duty of having it run. But to put this beyond all dispute, Major Allen in his next note (14th July) says:

"I concur with you now, that we do not agree, that it becomes our duty to have run and marked the line indicated by the Supreme Court," &c. "In my judgment, this is the proper time to make any examinations desired, and we are now, as we always have been, ready to assist and unite in any examinations desired to be made."

On the 15th of July, I reply to Major Allen :

"I am pleased to learn by yours of yesterday, (handed me this morning,) that you concur in our duty to have the line run first directed by the Court, as described in each of our last notes. I acknowledge your readiness, as now expressed and heretofore uniformly evinced, to join in any further examinations I deem important; but I do not concur that, under existing circumstances, those I alluded to should now be made. The running of the line I consider much the more important duty of the two, and therefore wish not to increase the risks of failing in it. And I will add another great inducement to postpone the further examination of the Okefenokee Swamp, which is that we know of no competent guides, able to serve us to more than a limited extent, at present; but by giving out an intimation that we shall need such guides, and will pay suitably for their services, there are no doubt many amongst those living in the neighborhood who will take pains to qualify themselves fully, against the time when the Surveyors return with their corrected line, and thus save a large amount of expense, as well as much time, labor, and exposure, in making the proposed examination hereafter. I beg, therefore, respectfully to adhere to my proposal of yesterday."

The same day, Major Allen replied :

"We will cheerfully unite with you in any further examinations of the Okefenokee Swamp you may desire to make, and concur in your proposal of guides. You will understand me in not attaching the importance to the examination you seem to do."

Here the correspondence closed between Major Allen and myself while at the Eastern terminus. In immediate connection with the foregoing extracts, I will now add one from our official statement drawn up and signed by both Commissioners on the 18th of July, the day before we left the Surveyors, viz :

"Having completed our examinations, as far as was deemed prudent at this time, and ascertained that we could not agree as to the head of St. Marys River, we agreed to have run the line indicated by the Court, from a point two miles North, 45° East from Mound B to the junction of the Flint and Chattahoochee Rivers."

These extracts contain all that is pertinent to the question under consideration: 1st. Whether *I* had adopted the terminus said to be designated by Ellicott and Minor as being the head of St. Marys River. 2d. Whether *I* proposed and Major Allen concurred in the duty of running a line from that terminus because *I* had adopted it, or because the Court had ordered it; and I trust that their perusal will clearly show

your Excellency that I not only carefully abstained from either adopting, or even indicating, a preference for any point, new or old, beyond that of taking the North Branch to be the main River, but also I expressly reserved my decisions as to the point at issue, until further examinations were had North of Mound B. I believed if they resulted in disclosing facts to show that Ellicott and Minor had erred, in choosing a point *too far South* for the true head or source of the St. Marys River, that it was equally the duty of the Commission to lay these facts before the Court. If the Court should be of opinion that the decision of Ellicott and Minor, in this particular, is not as conclusive as if inserted in the treaty of limits, and should determine that the head of St. Marys is still an open question, of course the whole subject will be examined as though nothing had heretofore been done or decided, to the prejudice of either party, so that each may claim all benefit or advantage to result from a fair and full investigation, even at this late day. Spain, the United States and Florida have all along been willing to acquiesce in what was done by Ellicott and Minor in the premises, as binding and valid; yet if Georgia, the other party in interest, not so disposed, succeeds in convincing the Court that their act is invalid, such former acquiescence will not be used to give the defendant any advantage or preference. Hence I considered it as much the duty of the present Commission to carry our investigations to the *North* as to the *South* of the terminus established by the original Commissioners. The order of Court does not instruct us to search for the head or source of St. Marys, only in such direction as would be more favorable to Georgia, and not in any other, which might turn out to be less favorable than the point settled on by Ellicott and Minor.

As we approached the scene of our researches and examinations, we found a story current amongst the present inhabitants of that region, that the North Branch of St. Marys, on which Ellicott and Minor had erected their Upper Mound, (B.,) had no connection with the great Okefenokee Swamp, except by overflow, in times of very high water. And as W. G. Bonner, in his large map of Georgia, had represented the head waters of St. Marys, and the South-Eastern margin of the Swamp, so as to give countenance to such opinion, I proposed that our first labors should be directed to ascertain the truth of the case. This examination proved, to the entire satisfaction of us all, that in an ordinary low stage of water nearly the whole supply of this stream came out of the Okefenokee Swamp, through numerous small runs, or channels, precisely as had been alleged by Ellicott and Minor.

As soon as this point was satisfactorily investigated, I was willing to turn our operations down this branch of the River, to its junction with other streams, not only to ascertain their relative appearances at the points of confluence, but also to elicit from my respected colleague, Major Allen, his construction of that phrase in the treaty of

1795, "*the head of St. Marys River,*" by seeing how far up either of the others that he might adopt, he would propose to ascend in order to reach its "*head.*" For my own part, I felt great hesitation in deciding upon the proper meaning of this term, "*head,*" as applied to a River. The word "*head,*" is rendered "*nacimiento*" in the Spanish version of the treaty, which may be translated *source, origin, birth, inception.* One of the three following definitions or rules must be adopted, in fixing a point for the "*head*" of a River:

1st. That point "when it ceases to be a River, or considerable stream;"

2d. That point where there ceases to be "a bed or channel, confined within well defined banks;" or

3d. As high up as "rills can be traced, conveying into it the waters of Swamps or Springs, and the surplus of every shower."

Precedents may be found, in works of high authority, that treat of Rivers and their sources, for adopting either rule, particularly of the two last.

A very slight examination was sufficient to convince us both that the South Prong, though longer than either of the others, taken separately, could not be regarded as the main River, at its junction with the others, united in one stream. We therefore next ascended the Middle or West Prong, not only as far up as it had "a bed, or channel, confined within well defined banks," but, at the instance of Major Allen, we continued to trace the Swamps, and Bays, and Ponds which discharged their waters into it, to more than double that distance, into and across Ocean Pond, or Lake Randolph, and Major Allen adopted the "*Southern extremity*" of this Lake as the "true head or source of St. Marys River," and submitted the same for my concurrence.

For reasons which need not now be stated, I had no hesitation in deciding that this fork of the river could not be considered to be the main stream, either now or at the date of the treaty, and that Ellicott and Minor had acted correctly in choosing the north branch of St. Marys as the continuation of the river. Yet, as my colleague had thus clearly indicated his opinion that we were to search for the head of St. Marys, as high up as we found waters "running into it from swamps or springs," or "even furnished by the surplus or overflow of showers," of course I felt then justified and bound to pursue our search into and up the Okefenokee Swamp, as far as we could trace waters emptying from it into the north branch; and if it turned out that such waters were supplied by streams or creeks rising beyond the swamp, that these should also be investigated, and all the facts be fully collected and reported. The reasons for deferring to make this examination then appear in the extracts already furnished from my notes to Major Allen.

The interlocutory order of Court, clearly made it our duty to run the line we have now in progress, without any appeal to the judg-

ment or discretion of the Commissioners at all, and for a very plain and adequate reason, to wit, because Spain, the United States, and Florida, had all maintained that the points or termini to be connected by it, had long ago been established and settled by those empowered by the high contracting parties, and fully competent to settle it. As the modification of this order, prepared by counsel, might be construed to make that doubtful, which was otherwise plain, and to imply that *no line* at all was to be run, not even the first one, unless Major Allen and myself first concurred that the terminus fixed on by Ellicott and Minor was correctly established at the head of St. Marys River, I at once submitted to him that it was our duty to run a line from this point, *because we could agree on no other*, and because the Court had so ordered; and in this he certainly then fully concurred. Had he refused his concurrence at that time, or made it contingent upon my also agreeing to run another line to Lake Randolph, or to any other point that I did not consider to be the head of the river, of course I could not have complained that we did not agree as to our duty, however much I might have regretted it. The work would have stopped there, and we would have come home. Had the slightest intimation been then given, that Major Allen did not consider himself entirely competent to put his own construction upon the duties assigned to us by the Court, or that he would voluntarily abandon the completion of any one of them, after months of labor and expense, or that he anticipated any interruption or interference by the Executive or the Solicitors of Georgia to that end, most assuredly neither the present line would have been begun, nor could I have consented to enter upon any of the duties of the joint commission.

As our random line approached the confluence of Flint and Chattahoochee rivers, Major Allen renewed our correspondence, by informing me that, as instructed by Gov. Johnson to do; he *insisted* on my uniting in running the Lake Randolph line also. I declined to do so, and I now annex copies of that part of our correspondence, which need no comment. It closed with an assurance by him that this line should be run, nevertheless, of which I should receive due notice. And with this understanding, after crossing the random line, and agreeing upon the point of confluence of Flint and Chattahoochee rivers, (which evidently had undergone recent changes from the effects of freshets,) at the date of the treaty, as nearly as we could ascertain, the surveyors commenced their return line on the 31st ult. on a corrected course, to run and mark the same in such manner as we agreed would meet the requirements of the Court. This work has been steadily progressing, and its accuracy has been most satisfactorily shown, (from cross measurements) by a regular convergence to the random or guide line, and I presume it is nearly or quite half done. Its abandonment at such a stage, appears to me most arbitrary and unjustifiable, and I still hope will not be insisted on, when

Gov. Johnson reviews all the circumstances. In any event, I hope stand acquitted by the Court, and by your Excellency, of being in any way cause from any neglect to perform my duty.

I have the honor to be, with great respect,

Your Excellency's ob't serv't,

BENJ. F. WHITNER,
Comm'r. of Florida.

Major Allen to Col. Whitner, 17th August, 1854 :

"The line now being run, being in a state of considerable forwardness, the Surveyors approaching the junction of the Flint and Chattahoochee, it is important that I definitely understand your reference to running the line from Lake Randolph, (the true head, in my judgment, of the St. Marys River,) to the junction of the Flint and Chattahoochee Rivers. I now, as heretofore, *insist* that the Lake Randolph line be run, after completing the present line."

"I am instructed by his Excellency Gov. Johnson so to *insist*, which I do with unhesitating confidence in its correctness. I have not a doubt do not doubt our duty in the premises, under the interlocutory order of the Supreme Court of the United States, but if any reasonable doubt existed, our agreement of the 20th June fully covers the point &c.

Col. Whitner to Major Allen, same date :

"The random or guide line begun on the 14th ult. will not be completed to the junction of the Flint and Chattahoochee Rivers before the 23d or 24th inst. ; and it is not probable that a correct line can be run and marked back to the Eastern terminus sooner than between the 1st and 10th October. The running of this line is simply in obedience to the order of Court, in consequence of a failure to agree on any other point as the Eastern terminus, or head of St. Mary's River.

"You say, 'I now, as heretofore, *insist* that the Lake Randolph line be run, after completing the present line. I am instructed by Gov. Johnson so to *insist*,' &c. This does not appear in our previous correspondence, and is too important a matter to be left to mere conversational discussions. I ask the favor, therefore, of you to state *in writing* the grounds upon which you make it, and of your construction of the decretal order of the Court, as well as of your allusion to something in our agreement of 20th of June. By stating your argument in this way, on a point about which we may differ, I can reply also in writing, without referring to oral discussions, and the views of both parties can be more fully understood and appreciated."

Major Allen to Col. Whitner, 19th August, 1854 :

"When you proposed the running of the present line, I cheerfully assented, not doubting that you would likewise unite in running

Lake Randolph line; and it was only afterwards that I learned that you had somewhat determined to dissent. I thought it, therefore, prudent, as I stated to you, to consult Gov. Johnson on the point."

"You desire that I 'shall state in writing the grounds,' &c. Allow me to say that I deem discussion unnecessary; the point is a plain one. The second item of the 'order' provides for the running of a second line, in case *we* do not find the point alleged to have been determined, by Ellicott and Minor, to be the true head or source of St. Marys River. You cannot mistake my reference to the first item of our agreement of 20th June.

"Allow me to repeat my request for a definite answer on the point."

Col. Whitner to Major Allen, 26th August, 1854:

"I have all along supposed that in running the line upon which we are now engaged, we are simply performing a duty imposed upon us by the Court, and that on that point there was no difference of opinion between us." I certainly proposed it in my note of 14th ult., on that ground alone, and cannot conceive how there can be any mistake as to my position."

"The Court ordered this line to be run in the first instance, and if the Commissioners found its Eastern terminus 'not to be the true head or source of St. Marys River,' then 'to run and mark another line to the point which they shall ascertain to have been, at the date of the Treaty, such true head or source.' The modification of this order, made by the Solicitors in the cause, provided that the examinations for the head of the river might precede the running of any line, in order that there need be but one line run, either to the point *they* shall have 'ascertained and determined' to be the true head and source, or to the point said to have been determined as such by Ellicott and Minor. Such was my construction of the powers conferred and duties imposed on us, fully and freely expressed to you in our conversations, when you proposed that I should unite in running another line, just before the random line, now nearly completed, was begun. And as you failed then to insert in any of your notes, the proposition you now make, viz: that I would 'unite in running the Lake Randolph line,' I had a right to suppose that you were satisfied that mine was the correct construction of our powers and duties. After we left the Surveyors on the 19th ult., you said to me, as we rode along, 'I must insist,' or must continue to insist, 'that that line ought also to be run,' and that you 'would consult Gov. Johnson on the subject,' and I replied by re-stating my own views.

"I make this statement in order to show you that I never meant to leave you in any doubt as to my opinion of our duty, and that you do me great injustice, and are yourself wholly mistaken in saying now, 'it was only afterwards that I learned that you had somewhat determined to dissent.'

"In your notes both of the 17th and 18th inst., you say: 'I have

not and do not doubt our duty in the premises, under the interlocutory order; the point is a plain one,' &c.; and this after consulting with Gov. Johnson. Therefore it was that I asked you to state the grounds of your construction of this order, upon which you pressed on me to unite in running this line. I was urged to an immediate decision, or at least to revise a former decision, and I still think I was entitled to expect you to state the grounds on which you rested yours, particularly after you had consulted Gov. Johnson. I wished to obtain all the light on a subject that seemed to you so plain, in order that I might not appear to decide hastily or capiously, but in the careful exercise of my best judgment. In a matter so plain and so clear to you, there ought to be no hesitation in submitting the grounds on which you rest your position, to be fully and fairly examined.

"But as you decline to do this, I am left to rest on my own unaided judgment; and that teaches me that there is no line authorized or required by the Court to be run between any other points than those first named in its order, unless *we* find the Eastern one 'to be not at the head or source of St. Marys River.' And now, before going any further, let me remark that *we* have not even decided on that. You have, I admit; but I have neither affirmed nor denied that fact, and therefore there has been no *joint* decision by *both*, that Ellicott and Minor were wrong. I have never gone further, even in conversation, than to say, that after all the examinations then (or yet) made by us, I was not prepared to name any new point for the Eastern terminus; but as you intimated that you were, I invited you to submit your proposition in writing, &c. You then did so, and I decided against it—in other words, we failed to agree on that as the true head or source of St. Marys River. Thus *we* have as yet neither agreed that the terminus named by Ellicott and Minor is 'not at the head of St. Marys River,' nor have *we* agreed on any other point that *is*, and to which it is our duty to run 'another line.' I can find no authority, either in the original or modified decretal order, that requires or would justify the running of 'another line' to any point which either one of us, separately, might be inclined to favor. And if there were no graver objection to assenting to your present request, I should be loth to incur an expense of several thousand dollars upon a work which I do not see to be clearly within the scope of my official duties.

"I feel the more relieved in coming to this decision, because if the Court intended that another (or more than one line) shall be run, at the suggestion of either party, it will be easy for them to make the order clear and explicit to that effect; for it now turns out, as I surmised when we began the present one, that there is barely time to finish it, and to make our returns, &c., within the period limited by the Court. My decision, therefore, will cause no delay, that we are

responsible for, having prosecuted our duties assiduously, at the risk of health, and life itself.

"It is scarcely necessary to allude to your reference to our agreement of the 20th June, as supplying a defect in the order of Court. The 'surveys, explorations, examinations,' &c., there spoken of, referred, as you well know, to our search for the head of St. Marys, to precede the running of the line; and of course when, in the last clause of that agreement, we spoke of '*proceeding to run the line*,' it was in the singular number. Not a whisper had then reached me, or my son, that it was contemplated, on your part, that there would be more than one line to be run, nor indeed until our further examinations were about to be suspended. I certainly would not knowingly have stultified myself by such a departure from what I considered the plain directions of the Court as to *running the line*.

I regret that there seems a necessity for making this letter so long, especially as my health is far from being good; but I cannot consent to be placed in a position that I have not voluntarily assumed—one that I have striven so carefully to avoid.

Maj. Allen to Col. Whitner, 29th August, 1854:

"Yours of the 26th, declining to co-operate in running the Lake Randolph line, was handed to me a few moments since. We differ as to facts. I am at a loss to comprehend how you could fail to understand me *all the while* as insisting on the point under consideration, and it was only in respect to your dissent that I consulted Gov. Johnson, believing *all the while* that on further consideration that you would unite in running the Lake Randolph line. I certainly understood you to dissent, but not in a form to be final and conclusive. Sufficient to my present purpose to say, that we differ as to the purport of conversation referred to. I said "I still *insist* that that line ought also to be run, &c;" also as to any inference you had a right to draw (when the matter was being discussed between us,) from the non-insertion of a proposition of this line in my notes. I did not deem it essential then—if any proposition was necessary of a duty plainly pointed out in the decretal order, as I thought then and think now. And especially do we differ in reference to your position in regard to "the point said to have been determined by Ellicott and Minor." I understood you then (and acted on it,) and I think the correspondence fully sustains the opinion, that you held that the point had been truly determined by Ellicott and Minor. I understood then, and I understand now our agreement of 20th June, to apply to every duty pertaining to this commission. I very much regret to be *compelled* to differ with the entire tone and tenor of your note. Notwithstanding that you will not unite or co-operate in running the Lake Randolph line, that line will be run and marked, of which you shall have notice."

Very respectfully, &c., &c.

[F]

TALLAHASSEE, December 8th, 1854.

His Excellency, JAMES E. BROOME, Governor of Florida.

SIR:—I herewith submit a summary of the expenditures incurred by the Commissioner and Surveyor, named by the State of Florida, to act jointly with those named by the State of Georgia, while executing the duties prescribed by an interlocutory order of the Supreme Court of the United States, in the cause now pending for settling the boundary line between the two States.

When met to commence our joint labors, the commissioners agreed that all expenditures for supplies and hand hire, while operating together, should be equally divided between the two States. This did not embrace what either party had expended or might expend in reaching or leaving the field of operations, in the outfit for transportation, camp equipage, &c., and no separate account was taken of the supplies that either party had on hand.

The aggregate on the part of Florida is \$929.31, including a wagon yet on hand. On the part of Georgia, it is \$2,017. The items of this expenditure will be submitted to your Excellency, or to any person authorized to audit and examine the same, and will be found on a scale of proper economy.

In regard to compensation for these services, it was merely stipulated by your Excellency that Florida would allow what is usual and proper in such cases.

The Florida Surveyor realized for his services last winter in running and re-marking the boundary between Florida and Alabama, about seven hundred dollars a month, clear of expenses, from the compensation allowed him by the United States. And the Georgia Surveyor has been paid for his services in the present case, the sum of twenty-five hundred dollars.

The Georgia Commissioner has been paid for his services, the sum of two thousand dollars. The great risk and exposure incurred during the season of the year occupied in performing our duties, were doubtless considered by the authorities of Georgia, and will be duly weighed by those of Florida, in fixing our compensation.

Having been providentially delayed in preparing and transmitting to the U. S. Supreme Court my Report, with the necessary maps, field notes, &c., by the Florida Surveyor, later than we had hoped, they were forwarded on in charge of the Attorney General of this State, without taking time to make out manuscript copies. They will, however, be printed under the rules of that court; (probably the originals may be returned to this State,) and I must ask the indulgence of your Excellency until a printed copy is received, to show the exact bearings of our investigations upon the rights involved in this boundary question.

I have previously reported to your Excellency my reasons for de-

elining to accede to the views of the Governor of Georgia in relation to my duties as Commissioner, even at the hazard of his making it a ground for ordering the Commissioner and Surveyor named by that State, to withdraw from further fulfilling their duties under the order of the Court. I will add here an extract of my letter to Maj. Allen, in reply to his, informing me that such order had been received, and close by stating that the corrected line was stopped on the 29th September, by the withdrawal of the Georgia Surveyor.

I am, with great respect,

Your Excellency's obedient servant,

BENJ. F. WHITNER,

Commissioner on Boundary Survey.

—
EXTRACT.

B. F. WHITNER, Comm'r., &c., to A. A. ALLEN, Comm'r.

BEL AIR, 25th Sept., 1854.

"*Dear Sir* :—It is to me a matter of surprise and deep regret to learn that Gov. Johnson has interfered at this stage of our proceedings to direct you and the Surveyor chosen by Georgia to suspend further co-operation in running the line which we concurred, on the 14th of July; it was our duty to run, and which is now nearly completed."—"Had you *then* withheld your concurrence, or qualified it by a stipulation that I should agree to run the Lake Randolph line also, I could not have complained of the course now proposed.—Had you taken the position that there was no line at all to be run, unless from a point jointly agreed on by us as the head of St. Mary's, and I could not have convinced you that the Court required the present line to be run, whether we concurred with Ellicott and Minor or not, of course our work would have stopped there, and no line could have been begun as a joint line."—"I had no doubt that you were fully competent to decide for yourself whether it became your duty to unite in running this line; and having decided that it did, every consideration of good faith now requires that it should be completed. Upwards of two months have been devoted to it, and three fourths of the work is done.

"It was agreed that but one compass should be used, one measurement be made, one set of chain bearers and laborers employed, and all at joint expense. The Florida Surveyor, by express agreement with his coadjutor, conducted the most laborious and responsible part of the work, viz: Calculating the course by which the random line was to be run on the arc of a great circle, managing the compass in taking courses and adjusting the magnetic and diurnal variations of the needle, and in calculating all triangulations and offsets, which have been performed by him personally without respite under the most trying weather, and with the most gratifying results as to accuracy. Yet now, without a word of complaint or hint at

any dissatisfaction as to the execution of the work, it is proposed abruptly, and as I think arbitrarily, to prevent its being finished, by order of the Governor of Georgia, unless I consent beforehand to unite in running another line; asking of me, by such '*express consent*,' to cure an admitted defect in the order of Court, by embracing a work which it has neither authorized nor enjoined. Of course Governor Johnson has the power to do this by withholding supplies to carry on the work, and refusing to remunerate for further services. But I do hope and trust that on receipt of Governor Broome's reply and earnest appeal to revise his conclusions, that he will withdraw his recent order and suffer the work to be closed, and that you will use your influence with him to promote so desirable a result.

"As some days will expire before his final determination is known the Surveyors can employ the time in comparing their field books, notes, calculations, &c., which would have to be done at the end of the line, and must be done up to the point they have reached, should it unfortunately turn out that their joint labors are to be arrested there.

"I shall fulfil the agreement to defray half the expenses of supplies, hand hire, &c., while operating together, but I do so protesting that Georgia should be held responsible for the whole if this work is left unfinished by the interference of the Executive, as well as for the extra expense to be incurred, should the Court order it to be resumed and finished.

"With this line and our further examinations completed, (which will consume all the time that remains to us,) the Court will be furnished with a line ready to be affirmed, should they decide that the terminus was established by Ellicott and Minor in conformity with the treaty, and so obviate further delay, and the expense and necessity of other lines. If they decide that Ellicott and Minor have not done this, and that the eastern terminus is still an open question, then with the result of our examinations, &c. before them, they can order and specify what other line or lines shall be run. This order of proceeding appears so manifestly to the interest of all parties, that I must hope it will be adopted.

"With great respect, &c., &c."

A summary of Expenditures of the Commissioner and Surveyors named in behalf of Florida, under the Order of the Supreme Court of the United States, made in the cause now pending for the settlement of the Boundary between the States of Florida and Georgia incurred between the 15th June and 29th September, 1854.

Amount paid for separate expenses and supplies,	\$120 50
Amount of separate hires of hands, team and other outfit for the transportation,	305 10
	<hr/> \$425 60

(From which will be deducted the nett proceeds of a wagon, when sold.)

Half of joint camp expenses, adjusted with Georgia Commissioner, 30th August, 1854,	\$148 65
Half of the same adjusted 29th September, 1854,	64 50
Half of hand hire while acting jointly on the survey, &c., as adjusted 29 September, 1854,	291 57
	<hr/>
	\$929 31
14th June, 1854.—Received of Gov. Broome,	\$300 00
23d August, “ “ “ “ “	400 00
31st Oct., “ “ “ “ “	200 00—900 00
	<hr/>
Balance over	\$29 31

[G.]

EXECUTIVE CHAMBER,
TALLAHASSEE, July 8th, 1854. }

BENJAMIN F. WHITNER, jr., Esq..

Barber's P. O., Columbia Co., Florida.

SIR:—Under the first Section of An act approved December 24th, 1850, entitled “An act in relation to the boundary line between the States of Georgia and Florida,” I feel authorized to say to you that such compensation as is reasonable and even liberal, will be paid you for your services as a Surveyor, under the interlocutory order of the Supreme Court authorizing the States of Georgia and Florida each to name a Commissioner and Surveyor to run certain lines therein authorized, with a view to the final decision of the question of boundary between the two States. Your services are particularly desirable at this time, and knowing as I do the delays likely to occur from the action of a joint Commission, I am willing that the compensation shall be regulated in reference to the per diem or the daily earnings which you made while running the line between this State and Alabama. Hoping that nothing will occur to prevent you from pursuing the work to its completion,

I remain, yours very truly,

JAMES E. BROOME,
Governor of Florida.

Which was read, and 75 copies of the message and accompanying documents ordered to be printed for the use of the Senate.

On motion, the rule was waived to allow Mr. Eppes, from the Committee on Revision of the Constitution, to make the following report:

A majority of the Committee on Revision of the Constitution, to whom was referred An act of the sixth General Assembly of the State of Florida, entitled An act to alter and amend the Fourteenth and Twenty-Third Clauses of the Third Article, and the Thirteenth and Sixteenth Clauses of the Fifth Article of the Constitution of this State, have had the same under consideration and beg leave to

REPORT:

The amendments proposed by said act, for giving the election of Secretary of State, State Treasurer, Comptroller of Public Accounts, Clerks of the Courts of Chancery, Clerk of the Supreme Court and Attorney General of the State of Florida to the people, recommend themselves with peculiar force to a majority of said Committee as wise, proper and just; wise as giving to the people the selection of their own officers, proper and just as resolving upon its own proper basis the election of officers principally political in their character, and they therefore recommend their adoption.

Respectfully submitted,

T. J. EPPES,

Chairman Com. Revision Constitution.

Which was read and the bill placed among the Orders of the Day.

Mr. Wynn made the following minority report:

A minority of the Committee on Revision of the Constitution, ask leave to

REPORT:

They consider that it is impossible that the people who are scattered over so large a region of country, as the State of Florida, can make themselves acquainted with the qualifications of persons for Offices which, although of the greatest importance in themselves, are not of sufficient honor or profit to justify a canvass of the State.

The minority would also state that the graver objection they would urge to the passage of the bill, is, that it proposes to alter the Constitution of the State, an article which they regard of too sacred a nature to be altered, or amended, except to correct grievances of serious importance.

W. B. WYNN,

W. L. CRIGLAR.

Which was read.

On motion, the rule was waived, when the following bills were introduced;

By Mr. Brinson, without previous notice:

A bill to be entitled An act to regulate the practice of medicine and to provide for the establishment of a Medical Board in this State.

By Mr. Provence, according to previous notice:

A bill to be entitled An act to authorize Samuel D. Howse of Marion County to assume the management of his estate ;

Which bills were placed among the Orders of the Day.

An act of the Sixth General Assembly of the State of Florida, to alter and amend the fourteenth and twenty-third clauses of the third article, and the thirteenth and sixteenth clauses of the fifth article of the Constitution of this State ;

Which was read three several times as on its first reading, and ordered for a second reading on to-morrow.

A bill to be entitled An act to regulate the practice of medicine, and to provide for the establishment of a Medical Board in this State ;

Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled An act to authorize Samuel D. Howse of Marion County, to assume the management of his own estate ;

Was read the first time and ordered for a second reading on to-morrow.

On motion, the Senate adjourned till 10 o'clock, to-morrow morning.

THURSDAY, December 21, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present the Journal of yesterday was read and approved.

The following Bills, which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled An Act to empower Charles H. Longworth, of Gadsden County, to manage his own estate ;

A Bill to be entitled An Act to improve the navigation of the Harbor and Bay of Apalachicola ;

A Bill to be entitled An Act to change the time of holding Circuit Court of Calhoun County ;

House Bill to be entitled An Act to amend An Act to provide for the payment of Jurors and State Witnesses, approved January 8th, 1848 ;

House Bill to be entitled An Act to amend An Act incorporating the city of St. Augustine, approved 4th February, 1833, with enclosed amendments.

On motion of Mr. Nicholson, a Bill to be entitled An Act to incorporate the Lagoon and Perdido Canal Company, was taken from the table, and placed among the orders of the day.

Pursuant to previous notice, Mr. Hopkins introduced a Bill to be entitled An Act to abolish the office of State Engineer and Geologist ;

Which was placed among the orders of the day.

On motion, the rule was waived, and Mr. Criglar permitted, without previous notice, to introduce a Bill in relation to the institution of suits before Justices of the Peace in Santa Rosa County ;

Which was placed among the orders of the day.

Mr. Brinson, from the Committee on Internal Improvements, made the following report :

The Committee on Internal Improvement, to whom was referred a bill to be entitled An Act to remove the Obstructions to the Navigation of the Suwannee River, beg leave to

REPORT :

That they consider the object designed to be accomplished by the bill referred to them, as eminently entitled to receive the favorable action of the General Assembly. The Suwannee River, it is well known, takes its rise in the State of Georgia, and pursues its course across our State, until it disembogues into the Gulf of Mexico at or near Cedar Key. From its junction with the Withlacoochee, and indeed from a point far above to its mouth, it affords a supply of water which, but for the obstructions in its bed, proposed to be removed by the bill under consideration, would enable steamers of ordinary size to ascend it at all seasons of the year. More than one enterprise has been set on foot to establish a regular steam communication between Columbus, a place immediately opposite the point of confluence of the Suwannee and Withlacoochee, and Cedar Key, but it has been found that in seasons of low water the obstructions existing below Columbus, were of a character to interrupt the navigation of the River, and hence all such enterprises have failed.

Your Committee believe that sound State policy, as well as a due regard for the interest and convenience of the people residing in the Counties bordering on the Suwannee, dictates that some feasible plan should be adopted to remove all obstructions to the navigation of the river. The experience of modern times clearly proves, that as facilities are offered to enable a people to reach a market, their enterprise is stimulated, and in proportion as these facilities are increased, are the resources of the country they inhabit developed ; and so thoroughly are the minds of men convinced of this truth, that we find efforts constantly being made to extend railroads in every direction where nature has not supplied her waters to bear off the fruits of the labor of man.

Your Committee, impressed with these truths, and in view of the fact that the Counties of Columbia, Hamilton and Madison in this State, containing a large population and possessed of a rich and fertile soil, and deeply concerned in the question involved in this bill, esteem it a propitious occasion for the Legislature to adopt some provisions to remove the obstructions to the navigation of the Suwannee. They believe that such a measure would tend greatly to increase the population of the Counties referred to. It would stim-

ulate their enterprise, advance their interest, increase their wealth and promote their happiness, whilst the results to the State generally would be beneficial in increasing her commerce and exciting a spirit of emulation in other sections, producing like benefits. It may not be improper for your Committee to remark, that the bill does not design to withdraw from the treasury any money to be applied to the object proposed. A more legitimate fund exists for all purposes of this character, and your Committee believe that the Swamp and Overflowed Lands, which were granted for purposes of Internal Improvement, could not be more beneficially applied than to carry out the object of the bill under consideration.

Respectfully submitted.

WILLIAM A. BRINSON, *Chairman.*

Which was read, and the bill placed among the orders of the day.

Mr. Long from the Committee on the Judiciary made the following report :

The Judiciary Committee, who were instructed to enquire and report upon the expediency of allowing appeals to the Circuit Courts of orders and decisions of the Boards of County Commissioners in the several Counties of this State, having considered the subject, unanimously instruct the undersigned to report the following bill providing for such appeals.

The Committee recommend the passage of this bill.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Com.

Which was read and the bill placed among the orders of the day.

Also the following :

The Judiciary Committee, to whom was referred "a bill to be entitled An act to authorize and empower Andrew J. Lea, Administrator, to sell certain real estate therein specified," having considered the same, instruct the undersigned to recommend that said bill do not pass.

The Committee are of opinion that the Courts are open to grant the remedy hereby contemplated. If the law at present confers jurisdiction on Courts of Probate to render decrees for the sale of real estate of deceased persons, then there can be no necessity for the passage of this act, and if Courts of Probate have no such jurisdiction under the Constitution and laws of the State, then the Committee are of opinion that the Constitution confers no power on the Legislature to vest in a Judge of Probate any part of the Judicial power of this State. The Constitution expressly vests all the Judicial power in this State in the Supreme, Circuit, and Chancery Courts, and in Justices of the Peace, and as the object of the bill can certainly be obtained by an application to the Circuit Court, there appears no reason sufficient to urge the exercise of a power so

doubtful as this must be admitted to be when the Constitution is taken into consideration.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Com.

Which was read and the bill placed among the orders of the day.

Also the following:

The Judiciary Committee to whom was referred a bill to be entitled An act to change the mode of compensating the several Solicitor or prosecuting attorneys of this State, having had the same under consideration, unanimously instruct the undersigned to recommend its passage, with the subjoined amendments.

Respectfully submitted,

M. A. LONG,
Chairman Judiciary Committee.

Amendments recommended by the committee:

1. Amend the title of the bill by adding the words, "and for other purposes;"
2. Amend the second section by filling the blank therein, with the words "eight hundred dollars;"
3. Amend by adding the following:

Section 4. *Be it further enacted*, That all fines and forfeitures collected in criminal cases below the grade of felonies, shall, when collected, be paid into the County Treasuries instead of the State Treasury.

Which was read and the bill placed among the orders of the day.

Mr. Hopkins, from the Committee on Propositions and Grievances made the following report:

The Committee on Propositions and Grievances have had under consideration a bill to be entitled An act for the relief of James Landrum, Solicitor of the Western Circuit of the State of Florida, and beg leave to

REPORT:

That although the bill of the Solicitor is correct as to the number of cases reported on the criminal docket at the fall term of the Circuit Court, for Calhoun County, yet it is extremely doubtful in the minds of your Committee whether Solicitor Landrum would have succeeded in prosecuting all of these cases to conviction. Therefore your Committee have agreed to allow to the Solicitor the sum of seventy-five dollars for such services as he has rendered, and receive the amount fully adequate to the labor.

All of which is respectfully submitted,

EDWARD HOPKINS,
Chairman.

Which was read and the bill placed among the orders of the day.

Mr. Filor, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave respectfully to report the following Bill and Resolutions as correctly Engrossed ;

A bill to be entitled An act to prevent white persons from gaming with negroes or other persons of color ;

Resolution in relation to a Mail Route from Tallahassee by the way of Sopchoppy in Wakulla County, to White Bluff or Pickett's Ville at the mouth of Crooked River in the Apalachicola Bay ;

Resolution in relation to the improvement of St. John's Bar and the preservation of the site of St. John's Light House.

Respectfully submitted,

JAMES FILOR,

Chairman,

Which was read and the Bills placed among the orders of the day.

On motion, the rule was waived, and Mr. Eppes permitted to introduce, without previous notice, a bill to be entitled an act to amend and revive the several acts in reference to establishing the records of the Counties of Gadsden and Jackson ;

Which was placed among the orders of the day.

ORDERS OF THE DAY.

House bill to be entitled An act to organize the County of Volusia ;

Was read the second time, and ordered for a third reading on to-morrow.

House bill to be entitled An act to permanently locate the Court House of Hernando County ;

Was read the second time, and ordered for a third reading on to-morrow.

House bill to be entitled An Act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

Was the second time, the rule waived, read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An Act to regulate the performance of the duties of the Supreme Court, and to change the time and places for holding the terms thereof ;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

On motion, the rule was waived, and Mr. Cone permitted to intro-

duce, without previous notice, a bill in relation to the Election Precincts in Columbia County ;

Which was read the first time, the rule waived, read the second and third times, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—17.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled An Act to incorporate the Lagoon and Perdido Canal Company ;

Came up on its second reading.

On motion, the Senate resolved itself into a Committee of the Whole on said Bill—Mr. Tracy in the Chair.

After some time spent therein, the Committee rose, and through their Chairman, reported the Bill back, with amendments and asked to be discharged from the further consideration of the subject, and recommended that the bill, as amended, be passed ;

Which was concurred in.

The Bill as amended was then read the second time, and ordered to be engrossed for a third reading on to-morrow.

House Bill for the relief of the Town of Quincy ;

Was read the second time, and ordered for a third reading on to-morrow.

An Act of the Sixth General Assembly, to alter and amend the fourteenth and twenty-third Clauses of the third Article, and the thirteenth and sixteenth Clauses of the fifth Article of the Constitution of this State ;

Was read three times as on its second reading, and ordered to be read a third time on to-morrow.

A Bill to be entitled An Act to regulate the Practice of Medicine, and to provide for the establishment of a Medical Board in this State ;

Was read the second time, and on motion of Mr. Brinson, was laid on the table.

A Bill to abolish the office of State Engineer and Geologist ;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled, An Act in relation to the institution of suits before Justices of the Peace in Santa Rosa County ;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled, An Act to remove the obstructions to the navigation of the Suwannee River ;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An Act granting the right of Appeal from the decision of County Commissioners;

Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled An act to authorize Samuel D. House of Marion County, to assume the management of his own estate;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

House bill to be entitled An act to authorize and empower Andrew J. Lea, administrator, to sell certain real estate therein specified;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Brinson, Hawes and Myrick—3.

Nays—Mr. President, Messrs. Bird, Cone, Criglar, Eppes, Filor, Gillis, Hopkins, Long, Nicholson, Provence, Smith, Tracy and Wynn—14.

So said bill was lost.

Ordered that the be same certified to the House of Representatives.

A bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State;

Was read the second time, when on motion of Mr. Long it was laid upon the table for the present.

A bill for the relief of J. M. Landrum was read the second time, the amendments of the Committee on Propositions and Grievances, to whom said bill had been referred, were concurred in, and the bill as amended read again the second time when on motion, the rule was waived, the bill read the third time by its title, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—16.

Nays—Mr. Provence—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled An act to prevent white persons from gaming with Negroes or other persons of color;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—16.

Nays—Mr. Brinson—1.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

An Engrossed Resolution in relation to the Improvement of St. John's Bar and the preservation of the site of St. John's Light House ;

Was read the third time and adopted.

Ordered that the same be certified to the House of Representatives.

An Engrossed Resolution in relation to a mail route from Tallahassee via Sopchoppy, in Wakulla County, to White Bluff or Pickettville at the mouth of Crooked River, on the Apalachicola Bay ;

Was read the third time and adopted.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act to amend and revive the several Acts in reference to re-establishing the records of the Counties of Gadsden and Jackson ;

Was read the first time and ordered to be read a second time on to-morrow.

On motion, the rule was waived, and the following message was taken from the table :

HOUSE OF REPRESENTATIVES,
December 20, 1854. }

Hon. President of the Senate :

SIR :—The following Bills and Resolutions have passed the House viz :

Senate bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion ;

Senate bill to be entitled An act for the relief of Dr. C. A. Hentz ;

Senate bill to be entitled An act to enforce the laws against the violation of the Sabbath Day in Monroe County ;

A bill to be entitled An act for the relief of William R. Harward and others ;

A bill to be entitled An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Resolutions authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues and others ;

Resolution asking that Tampa be made a Port of Entry ; and

Resolution relative to extra compensation to the Clerk in the office of the Comptroller of Public Accounts.

The House has ordered the printing of 75 copies of a statement of the Comptroller of the amount of State Script issued under the Act of January 7th, 1853.

Very Respectfully,

HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

The House Bills and Resolutions placed among the orders of the day, and the Senate bills ordered to be enrolled.

House bill to be entitled an act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Was read the first time, rule waived, read the second and third times, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith, Tracy and Wynn—15.

Nays—None.

So the bill passed—titled as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act for the relief of William R. Hayward and others ;

Was read the first time and ordered to be read a second time on to-morrow.

House resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, and others ;

Was read the first time and ordered for a second reading on to-morrow.

House resolution asking that Tampa be made a Port of Entry ;

Was read the first time, and ordered to be read a second time on to-morrow.

On motion, the rule was waived, and Mr. Provence, from a Special Committee, made the following report :

The Special Committee to whom was referred the following Petition, viz :

*To the Honorable Senate and House of Representatives
of the State of Florida :*

The Board of Mayor and Aldermen of the City of Key West, beg leave to respectfully represent to your honorable bodies, that from the first building up of this City, it has been the practice of all those owning what was called Water Lots, to make use of the Water Privilege in front to build piers, bulkheads and wharves, and in doing this have made use of the fronts of the ends of those streets which abut on the water, throughout the most densely built part of the City. Now this water right, it would appear, belonged or belongs to the Sovereign, for the time being, to the Crown of Spain before the purchase of Florida, and after that purchase, during its Territorial period, to the United States, but now to the *State of Florida*.

From the practice pursued in other cities under the same circumstances, we, as conservators of the rights of the City, have no objection to make to the propriety of the owners of water lots, making use of the Water Right in front of such of them as really front on deep and navigable water ; but, as such conservators, we claim the same right of Water Privilege for the benefit of this City, to the front of the ends of all streets, which likewise abut on deep and navigable water, for those streets belonging to the City, as long as they

are used as thoroughfares, in a like manner as the water lots belong to their several owners.

Now, for these reasons, it is the prayer of this Board, that your honorable bodies do confirm this Water Privilege of building, using and selling the piers, bulkheads and wharves which are built, or may be built, in the front of the end of any street in this City, where such pier, bulkhead or wharf runs out to deep water, at right angles to the original water boundary of such street, or end of street.

And inasmuch as the said Water Right is not now occupied on either side of the foot or westerly end of Green street, nor will the granting by your honorable bodies of fifty feet of said Water Right on each side of the end of said street, interfere with any private right; therefore, this Board respectfully prays that your honorable bodies will give in addition to this City, the said fifty feet of Water Right on each side of such street to the channel of the harbor, for the purpose of building a City wharf.

It is held by some that this Right now exists in the several individuals, and in the city; but believing, as this Board does, that this Water Right is really in the State, we pray that it may be confirmed as above to the City, that it may save contest at law that would naturally lessen the value of the Right to all. To this City the Right prayed for would be of value to lease or sell, and the fund thereby acquired is here much needed for schools and other purposes, that are now poorly supported.

Our prayer remains that this may receive a favorable consideration from your honorable bodies.

JOHN W. PORTER,

Mayor City Key West, on behalf of City Council.

Key West, November 27, 1854.

Have had the same under consideration, and through me, their Chairman, respectfully

REPORT:

That the petition admits "the Water Rights" at Key West are the property of the State of Florida—therefore the Mayor, in behalf of the Council, asks that these Water Rights may be confirmed and granted to the said City; that there be, also, granted to the aforesaid City the right of using and selling the piers, bulkheads and wharves which now exist, or may hereafter be built, in front of the end of any street; and finally, the petition asks the privilege of constructing a wharf at the westerly end of Green street, and a gift of fifty feet on each side of the end of said street.

Your Committee have no hesitation in saying, that the State is the proprietor of the Water Rights and Privileges, from high tide on the coast to the distance of one marine league seaward, and therefore private persons ought not to use this State property so as to abridge

the privileges of any citizen, or to hurt the commerce of the Port of Key West.

Your Committee would, with pleasure, recommend that the request in the foregoing petition be granted, were it not that the strongest assurances have been given to this Committee, that a majority of the people of Key West are unwilling to accept such a grant from this State.

Your Committee had before them Mr. Filor, the Senator from Monroe, and he most solemnly assured them that his belief was, that a majority of his constituents did not want or request any such grant or gift from the State as the petition prayed for; also Mr. Jones, the Representative from Key West, confirmed the statement of Mr. Filor in every particular.

Your Committee are fully sensible of the fact, that it is a most unusual and rare circumstance that either an individual or Corporation should be unwilling to accept a conveyance of important and valuable franchises, yet your Committee are assured that the people of Key West present one of those rare instances. Therefore they have thought proper to allude, as above, to the statements of Messrs. Filor and Jones, tending to the position that, in this matter and in this instance, Key West neither wishes nor will take anything.

In view of the premises, your Committee unanimously recommend that the aforesaid petition be not granted.

Respectfully submitted,

D. PROVENCE,
Chairman.

Which was read, and the report of the Committee concurred in.

Mr. Filor gave notice that he should probably, on some future day, make a minority report;

Which was agreed to.

On motion, the rule was waived, and Mr. Wynn from the Committee on Taxation and Revenue, made the following report:

The Committee on Taxation and Revenue, to whom was referred a petition from the County Commissioners of Wakulla County, praying that power be granted them to levy a tax on the citizens of said County for the purpose of building a Court House in said County, have had the same under consideration and

REPORT:

That they have made inquiries from all available sources, and having ascertained that the granting the prayer of the petitioners would meet with the approbation of the majority of the citizens of Wakulla County, they recommend the passage of the accompanying bill.

W. B. WYNN,

Chairman Committee on Taxation and Revenue.

Which was read, and the bill placed among the Orders of the Day for to-morrow.

On motion,
The Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, December 22, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

The following Bills and Resolutions which had passed the Senate, were transmitted to the House, viz:

A bill to be entitled An act to amend an act to permanently fix the Election Precincts in Columbia County, and to repeal certain acts therein named, approved January 8th, 1853;

A bill to be entitled An act to prevent white persons from gaming with negroes or other persons of color;

A bill to be entitled An act for the relief of J. M. Landrum;

House bill to be entitled An act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River;

House bill to authorize William A. Gainer to build a Toll Bridge across Bear Creek;

Resolutions in relation to mail route from Tallahassee via Sopchoppy to White Bluff or Pickettsville;

Resolutions in relation to the Improvement of St. John's Bar.

Pursuant to previous notice, Mr. Filor introduced a bill to be entitled An act explanatory of the several acts in relation to the migration of free negroes or free persons of color into Key West;

Said bill was placed among the Orders of the Day.

Mr. Filor, from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills beg leave respectfully to report the following Bills as correctly engrossed:

A bill to be entitled An act to authorize Samuel D. Howse, of Marion County, to assume the management of his own estate.

A bill to be entitled An act to remove the obstructions to the Navigation of the Suwannee River.

Respectfully submitted,

JAMES FILOR,

Chairman.

Which was read, and the Bills placed among the Orders of the Day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 22, 1854. }

Hon. President of the Senate :

SIR :—The following Bills and Resolutions have passed the House, viz :

Senate bill to be entitled An act to authorize the drainage of the Alachua Savannah, without amendment;

Senate bill to be entitled An act to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate, without amendment;

Senate bill to be entitled An act to authorize William Webb to establish a ferry across Escambia Bay,

With the following amendment, in which the concurrence of the Senate is respectfully requested, viz :

Between the words "Commissioners" and "and" in the seventh line of the second Section, insert the words "of Escambia County;"

A bill to be entitled An act for the relief of John Sapp, of Madison County;

A bill to be entitled An act in relation to Pilotage at the Port of Bayport;

Resolution requesting an order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man belonging to B. M. Dell, of Florida; and

Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes,

Very Respectfully,
HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

The House bills were placed among the Orders of the Day, and Senate Bills ordered to be Enrolled.

ORDERS OF THE DAY.

A bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a Tax for the purpose of building a Court House in said County;

Was read the first time, and ordered for a second reading on to-morrow.

A bill to be entitled An act to amend and revive the several Acts in reference to re-establishing the records of the Counties of Gadsden and Jackson;

Was read the second time.

Mr. Eppes moved its reference to the Committee on the Judiciary;

Which was lost.

On motion of Mr. Provence, the Senate resolved itself into a Committee of the Whole on said bill, Mr. Provence in the Chair.

After some time spent therein, the Committee rose, and reported the bill back with amendments and asked to be discharged.

The report of the Committee was concurred, in and on motion of Mr. Eppes said bill was laid upon the table.

House bill to be entitled An act for the relief of William R. Hayward and others;

Was read the second time, and on motion it was referred to the Committee on Claims and Accounts.

A bill to be entitled An act granting the right of appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to abolish the office of State Engineer and Geologist;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act in relation to the institution of suits before Justices of the Peace in Santa Rosa County;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

House resolution in relation to extra compensation of the Clerk in the office of Comptroller of Public Accounts;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to organize the County of Volusia;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Criglar, Eppes, Filor, Gillis, Hopkins, Myrick, Nicholson, Provence, Smith, Tracy and Wynne—13.

Nays—Mr. Brinson—1.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act to permanently locate the Court House of Hernando County;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Eppes, Filor, Gillis, Hopkins, Myrick, Nicholson, Provence, Smith and Wynne—13.

Nays—None.

So said bill passed.

On motion of Mr. Brinson, the title of said bill was amended to read as follows, viz: "a bill to be entitled An act to permanently locate the County Site of Hernando County."

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act for the relief of the Town of Quincy ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Myrick, Nicholson, Tracy and Wynn—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

An Act of the Sixth General Assembly, to alter and amend the Fourteenth and Twenty-third Clauses of the Third Article, and the Thirteenth and Sixteenth Clauses of the Fifth Article of the Constitution of this State ;

Was read three times as on its third reading.

On motion, a call of the Senate was ordered.

On motion of Mr. Myrick, further proceedings under the call were dispensed with, and leave given to absent Senators to record their votes on this bill at a future day, should they desire to do so.

Upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Eppes, Filor, Hopkins, Myrick and Smith—8.

Nays—Messrs. Brinson, Criglar, Gillis, Hawes, Long, Nicholson, Provence, Tracy and Wynn—9.

So said Bill was lost, not having received a constitutional majority.

Ordered that the same be certified to the House of Representatives.

House Resolutions asking that Tampa be made a Port of Entry ;

Were read the second time.

On motion of Mr. Provence, said Resolutions were amended as follows :

Strike out "a Port of Entry," in the first Resolution, and substitute "a Port of Collection and Inspection."

Also, the title of the Resolutions was amended so as to read, "Resolutions asking that Tampa be made a Port of Collection and Inspection."

The Resolutions as amended were ordered to be read a third time on to-morrow.

House Resolutions authorizing the Governor to turn over sixty Muskets and accoutrements to the Florida Independent Blues, and others ;

Were read the second time, and ordered to be read a third time on to-morrow.

House Bill to be entitled An Act in relation to Pilotage at the Port of Bayport;

Was read the first time, and ordered to be read a second time on to-morrow.

On motion, the rule was waived, and Mr. Long, from the Judiciary Committee, made the following Report:

The Judiciary Committee to whom was referred so much of the Governor's Message as referred to the "State Library," having had the same under consideration, have instructed the undersigned to report the following bill.

The Committee accord with the sentiments of his Excellency, that if the Library is worth anything, it is worth preservation; and the Committee being impressed with a conviction of the importance of economy in the expenditures of the Government, have ascertained that the duty can be performed by the Secretary of State, without interfering with his official duties, and for a much smaller compensation than would probably be necessary to engage the services of a competent person having no other employment requiring his presence about the Capitol. The Committee have learned as a fact, and take pleasure in mentioning the same, that the zeal and energy of the present Secretary of State in enlarging said Library, has been very remarkable, and has been the means of greatly enlarging the same within the last two years. His zeal and judgment in this respect point him out as particularly well qualified to take charge of the subject in future.

Respectfully submitted.

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the accompanying Bill placed among the orders of the day.

The following Message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,)
TALLAHASSEE, December 22, 1854. }

Hon. H. V. SNELL,

President of the Senate:

SIR:—I have the honor now to transmit the report made to me by the Board of Internal Improvement, accompanied by a bill which they prepared, designed to carry into execution the system which they have recommended.

It will be seen that the system recommended embraces every section of the State, and is one on which it is believed every interest can harmonize. The provision made for securing the construction of the work, although not exactly that recommended in my annual message, is perhaps better, and may prove more certain to secure the object desired. The importance of the work contemplated, the great labor bestowed on the subject by the Board, and the ability with

which they have enforced their views and recommendations, will doubtless secure for their action the careful consideration of the General Assembly.

Respectfully,

JAMES E. BROOME

REPORT OF THE BOARD.

The Board of Internal Improvement beg leave respectfully to report, that in obedience to the call of the State Engineer, they assembled at Tallahassee on the 4th day of December.

Many of the topics brought under consideration, and which did not seem to call for legislative interference, they have acted upon by resolutions, containing the suggestions of the Board, addressed, through the President of the Board, to the various Officers or Departments charged by law with the respective subjects. Among these, are recommendations regarding steps for a more speedy confirmation of Swamp selections; for a classification of these selections, in lists descriptive of the several characters and grade of land and growth; for an application of the appropriations made by Congress for improving St. Johns River, under directions of the Governor of this State; for the extension of the reconnoissance lately begun by the State Engineer West of the Apalachicola River; and for a reconnoissance of the Haulover between Matanzas and Halifax Rivers.

The subject which chiefly employed the attention of the Board, referred to a general system of improvements for the State, which, while developing into prosperous growth its great natural resources, and giving fair opportunity to every section to bring into activity its peculiar advantages, would draw together in closer union and fraternity the extremes of the State; and in accomplishing this, the Board has still kept in view the duty to make, as nearly as possible, equal distribution to every part, of the aids which can be rendered from the general fund.

There is no portion of the Union more advantageously located, by geographical position, for profitable investment in Railroad enterprises, than Florida; nor is there one upon the development and population of which such improvements would tell with a more sensible effect. Our climate is unequalled in the Union for its moderate and equable temperature and general healthfulness. Every portion of our soil is suited to some industry, productive of wealth; extensive forests, abounding in valuable woods; unlimited natural pasturage, capable of supporting numerous herds of cattle and horses, throughout all the seasons, without the aid of the agriculturist; and extensive belts of agricultural lands, of fertile and durable quality, bearing, in large comparative yield, the richest staples—Upland and Sea Island Cottons, Sugar, and fruits of all the latitudes. We have an extensive sea coast, abounding with valuable fisheries, and indented with the finest commercial harbors which the South affords, both Atlantic and

Gulf. Yet, with all these blessings from nature, our progress and development has been very tardy.

This suspension of growth has been owing only to our failure in availing ourselves, with due diligence, of another and marked natural advantage—that of our geographical position. With one shore upon the broad Atlantic, confronting the great marts of distribution and consumption for Southern and Western staples, and on the other the greatest basin of commercial supply which the globe presents; these two seas divided by an interval so narrow, compared with the States North of us, that we may claim to hold from nature the key of connection between them; with one of the finest harbors of the Atlantic upon one side, and with a series of noble bays and harbors upon the Gulf, each more or less convenient to one or other important stream of trade or travel; we have only to open suitable avenues of connection to draw through the State the greatest tide of commercial intercourse the world has ever seen, and to bring our State into the relation of a center to the social and commercial connection of a large portion of the Union; rendering it thus an inviting field for the enterprising of all classes—agricultural, commercial and mechanic.

That the avenues necessary to this purpose have not heretofore been opened, has been owing to the limited resources of cash capital at the command of our people, and the inability of the State to contribute to their construction. The time has come now when, in the opinion of the Board, it is in our power to stimulate an early construction of the necessary works, and we owe it to ourselves to put the State at once upon its career of progress.

The means at the disposal of the State consist of 500,000 acres of land, selected at an early date, in bodies of 320 acres, and their proceeds; and an amount of Swamp Lands, likely to reach the quantity of 10,000,000 of acres. A portion of the lands of the last description are not of present value, but other portions will have large value for agricultural purposes and for lumber and naval stores, when penetrated by railroads, or reduced to agricultural adaptation by drainage.

We have thought it best to recommend the concentration of the means upon a system of improvement having reference to the wants of general commerce as well as local necessity; for the growth of the State in population and wealth being thus most rapidly developed, the means necessary for local connections and improvement would very soon be produced.

The system we recommend for aid consists of a Railroad between the waters of Escambia Bay and the St. John's River at Jacksonville, with an extension from suitable points on the line, to the waters of St. Andrew's Bay in West Florida, and the St. Mark's River in Middle Florida; and from Amelia Island, on the Atlantic, to the waters of Tampa Bay in South Florida, with an extension to Cedar Key in East Florida; and to connect the country east of the St. John's with the system, and thus to comprehend that section more

fully in its benefits, we recommend also the construction of a Canal to connect Indian River with the St. John's.

These improvements, with roads from Macon in the direction of Cedar Key and from Montgomery to Pensacola, and to some other more eastern point of our system, will complete all the desirable lines for a prosperous system.

It will be found by reference to the map, that every County in the State will be more or less within convenient reach of the system of roads. So far as the State may afford aid for these improvements, the benefits will have been as equally dispensed to the different sections as would be easily practicable; and to each section of the State is afforded an opportunity to develop the growth of a harbor of commerce within its own limits.

In adopting a system, it was necessary to ascertain if we possessed within our own borders, suitable harbors, upon the two seas, for the accommodation of the commerce which would pass over our roads; for otherwise, it would be necessary to point our improvements to suitable connexions with the system of our neighboring States.

Upon the Atlantic we possess the harbor of Fernandina. This is proved, by the Hydrographical Surveys made under authority of the United States' Government, to be one of the finest harbors for the purposes of commerce which is to be found South of the Chesapeake Bay. The harbor is perfectly and closely land-locked, with an average depth of 35 to 40 feet, entirely without shoals, an anchorage with good holding ground extensive enough for the largest possible commerce, and having a frontage of over two miles, along the whole extent of which Wharves of 20 to 50 feet will reach a depth of 25 to 35 feet of water. It is on a Sea Island, and thus secure of health; being very similar in its climate to that of St. Augustine.—The depth upon the bar is thus given in a late report of the Topographical Engineer bureau to Congress, viz: "The bar of this river affords 13½ feet at the lowest water, and from 20 to 22 feet during Spring tides."

To show the sufficiency of this harbor for all the purposes of domestic and foreign trade, it will be found by a reference to Lloyd's list for the year 1853, that there are only thirty-three vessels out of ten thousand four hundred and thirty recorded in that office, that draw twenty feet or more. The following is a list of these thirty-three vessels, showing their burden and draft:

5	Vessels	are	600	tons	burden	and	draw	20	feet
14	"	"	700	"	"	"	"	20	"
6	"	"	800	"	"	"	"	20	"
1	"	"	900	"	"	"	"	20	"
2	"	"	1000	"	"	"	"	20	"
4	"	"	700	"	"	"	"	21	"
1	"	"	800	"	"	"	"	22	"

As compared with the neighboring harbors of Savannah and

Charleston, the harbor of Fernandina is much superior. At Charleston, the depth on the main ship channel does not exceed ten and a half feet, at low water; and at Savannah vessels cannot reach the city with more than eight feet draft at low water. Vessels drawing 17 feet can receive cargoes 12 miles or more below the city, from lighters, and proceed to sea at high water, but this mode of conducting commerce is attended with great inconvenience and expense.—Neither of these ports have a frontage at all comparable to Fernandina. From Fernandina vessels drawing twenty feet can load at the wharf, and proceed to sea with any wind and without towage, for the wharves are not more than three miles distant from the open sea.

Besides this, we believe that Coal, a necessary element in the supporting means of an extensive commerce, can be delivered at any of our ports from the mines, for a cost not exceeding that at any other Southern sea-port.

Upon the Gulf side, we have the noble bays of Pensacola, St. Andrews, and Tampa; besides many others of sufficient capacity for the accommodation of any amount of Gulf trade.

We have felt justified, therefore, in resting our system upon ports located within our own limits.

The next point to which the attention of the Board was directed, concerned the ability of the system to maintain itself.

Throwing out of view the large local support which the roads will derive from the domestic productions and commerce of the State, we propose to regard them in their relation to the general needs of commerce in the transport of persons and commodities.

1. In respect to travel. The destination of the streams of travel between the Atlantic and Gulf of Mexico is to Cuba, to the Pacific over the various crossings of the Isthmus, to Texas, to New Orleans, Mobile and Apalachicola, the three leading American ports on the Gulf. The crossings to the Pacific, are made and to be made at Chagres, at Honduras, and at Tehuantepec. It is capable of demonstration that the most comfortable and cheapest transport, and in nearly every material instance, the *shortest* and *quickest*, from the Atlantic to either of these points—Cuba, Chagres, Honduras, Tehuantepec, Texas, or the Northern Gulf ports, can be made through Florida, using one or other of the ports on the Gulf reached by our system, for debarkation, according to the point of destination. So of course, with the returning tides to the Atlantic.

2. In respect to trade. The Gulf of Mexico is a common basin or expansion forming, through its tributary rivers, and its connections, the natural receptacle for the products of the largest area of producing country that is to be found anywhere in the same space upon the globe. The population which is to occupy the Valleys of the upper and lower Mississippi, of the Ohio, of the Amazon and its tributaries, and the surface of Texas, Mexico, Central America, Cuba and the other West Indies, must, in process of time, reach inconceivable numbers, producing an amount of annual wealth beyond any-

thing heretofore known; most of which must pour into this common basin.

When to this is added the vast productions of the Pacific Countries, which, by Canal or roads, must seek the Atlantic through the same basin, there is no appreciating the value of the commerce which it will supply. For a large part of this commerce—much more of it than our system can accommodate—the transit through Florida will be more convenient and more cheap, than by sea, or over any land line outside of our limits.

It is an undoubted truth that commerce will settle itself in those channels which offer the cheapest, and at the same time, quickest transport, other considerations affecting commercial value being equal. Tried by this test, it is certain that a great and enriching portion of the vast trade with the Gulf of Mexico must pass over our lines. The Board do not wish to swell their report, by entering upon detailed comparisons with other water and land routes, but they are satisfied that the position they assume will bear the most rigid scrutiny.

No inconsiderable circumstance in determining the advantage of our routes for conducting the business of the Gulf basin is, that none of the points at which the produce now collects are suited for a large foreign commerce. Galveston admits less than 12 feet, the Mississippi only about 13 feet, and not more than 10 feet can be carried to Mobile at high water.

The difficulty of conducting foreign commerce from New Orleans, may be illustrated by the facts stated in a memorial to Congress by the Chamber of Commerce a few years since. It is therein stated that "within the last few weeks nearly forty ships have been aground on the bar, for various periods, from two days to *eight weeks*, some of which were compelled to throw portions of their cargoes overboard, and others to discharge cargo into lighters before they could be got through the Channel, occasioning heavy expense to the goods, and great straining and injury, besides involving pecuniary losses which cannot be estimated at less than \$500,000."

At the time of the grounding of the steamer Georgia, Capt. Porter, U. S. N., prepared a draft "representing the appearance of the bar of the Mississippi River, May 16, 1852," which was published by order of the Chamber of Commerce of New Orleans. The explanation printed with the draft stated as follows:

VESSELS ON NEW ORLEANS BAR.

	<i>Tons.</i>	<i>Bales Cotton.</i>	<i>Value.</i>	<i>Detained.</i>
Middlesex,	1430	4500	\$160,000	40 days.
Desdemona,	625	2200	80,000	35 "
Winchester,	1475	5800	205,000	83 "
Progress,	1400	4300	105,000	45 "
Goodwin,	600	800	60,000	8 "
Montreuil,	600	2000	70,000	7 "

	Tons.	Bales	Cotton.	Value.	Detained
Brought forward,	-	-	-	\$725,000	
Liberty,	740	2000		70,000	5 days
Str. Georgia,	2500				
Total Cargoes,	-	-	-	\$795,000	
Value of Vessels,	-	-	-	705,000	

Or aggregate value of property detained \$1,500,000

It is added in a note to the above table that "many other vessels than those above were aground at the same time, awaiting a swell from South-easterly gales."

Nor is Mobile better circumstanced for heavy commerce. In a memorial from the mayor and citizens of Mobile, lately presented to Congress, it is stated that vessels of heavy draft have to lie 28 miles below the city and are loaded and discharged there, by means of lighters. This charge of lighterage only is shown to have amounted to \$227,000 on the commerce of the previous season. This is not the greatest loss. The memorial enters into a calculation to show the damages done goods and produce by the necessary transshipments, and concludes that cotton at Mobile is injured to the amount of one eighth per cent per pound in comparison with shipment to New Orleans, which, on the crop of the previous year, made a loss of \$167,230,—which added to the lighterage, makes an aggregate loss on foreign commerce from this cause of \$394,628. The injury to domestic trade is put at \$107,791 more, thus swelling the annual injury in conducting commerce at Mobile, from deficiency of harbor to \$502,599; a sum sufficient to have transferred the cotton shipped from Mobile, from her wharf, to Fernandina.

Besides which, the interruption of business by a climactic mortality at Mobile and New Orleans, from which Fernandina would be exempt, must more or less affect the cost of factorage, freight and facilities of business.

The effect of our improvements will be, practically, to furnish the Gulf with a good Atlantic port by an extended wharf, and it is no doubted, that in progress of time, the Gulf ports will find their interest in a common resort to Fernandina as their seaport for foreign trade.

The Board then feel warranted in the belief that the system proposed is capable of sustaining itself profitably.

The next subject which occupied their attention, related to the mode in which aid should be given to these works.

After considering the several modes in which aid had been given by other States, and the various forms in which our land might be made available for the purpose, we concluded to recommend that companies constructing these lines, be authorized to issue bonds to the extent of ten thousand (\$10,000) dollars per mile.

the interest on which might be guarantied by a lien upon the Internal Improvement fund, upon the condition that the bonds should pass only in payment for iron, and equipment, after the road bed and wooden superstructure was prepared for the iron: the whole debt thus created constituting a first lien upon the Road.

We have proposed to throw around the State fund every possible security consistent with the efficiency of the plan, and have recommended conditions on the part of the Companies, which will give to the State the most ample assurance that the Roads will subserve the general public utility.

In considering the subject, various modes came under review.—Whatever practicable aid was *necessary* to insure the construction of the Roads, a wise policy would justify; for the rapid enhancement of the general wealth and population certain to follow their construction, would be ample recompense for the surrender of the whole fund. A single bridge is being built at Montreal at a greater cost (to-wit: seven millions of dollars,) than the whole amount of our aid, for the sole purpose of making unbroken connection with the Lakes.—But we were desirous, if possible, of saving to the State the fund, for future public use, if a sufficient stimulus to the construction of the Roads could be afforded without parting with it.

1. A gratuity or bonus of the lands to the Companies.

This mode of aid has not been unusual.

New York granted as a bonus or gift from the State, \$3,000,000 to the Erie R. R. Co.

Mississippi, by legislative act, granted to a Company by way of bonus, a Railroad completed from Jackson to Brandon, (14½ miles,) with the cars, locomotives, fixtures, depots, town lots, &c., attached to the road, sixty choice and picked negroes, the two per cent. fund then on hand, being about \$12,000, and that which might afterwards be received, to induce an extension of the road to the Alabama line.

Texas made a direct grant of nearly twelve millions of acres of land to the Pacific R. R. Co.

Illinois gave as a bonus to the Central R. R. Co., works upon which the State had expended two millions of dollars.

The State of Maryland made a bonus of \$1,000,000, and the City of Baltimore, a further bonus of \$850,000 to the Baltimore and Susquehanna R. R. Co., as an inducement to agree to a consolidation into the Northern Central R. R. of Maryland; "for the better business advantages of Baltimore."

Even private companies make such aids in pursuing their own interest.

The Michigan Central R. R. Co. offered a bonus of two hundred thousand dollars to the Canada R. R. Co. if they would complete their road at a certain time.

Not deeming this mode of aid *necessary*, the Board did not adopt

it. This, however, may be an appropriate place to say that they recommend the grant of alternate sections where the Roads pass through State Lands, to the extent usually granted by Congress, and with such limitations as will prevent any title passing until the Roads are made.

The principle upon which this rests is of consideration for benefit rendered to the general value of the State Lands, by the enterprise and hazards of private investment.

The State Fund will be more than recompensed by the making of the Roads, if this grant should help to induce their construction. Whatever increases the *general prosperity*, and opens new avenues of industry, enhances the general value of property; but Roads have, besides, a direct and powerful influence upon the value of real estate.

In 1841, when Boston commenced her Railroad enterprises, the total assessment of property value in that city was ninety-eight millions, one hundred and six thousand, six hundred dollars. In 1850, when the Railroads were in operation, it was two hundred and sixty millions, six hundred and forty-six thousand, eight hundred and forty-four dollars; and this was produced by Roads the total cost of which was thirty millions, two hundred and forty-four thousand, nine hundred and twenty-six dollars.

In Mobile, the assessed value of property rose *five millions* in one year, after the Mobile and Ohio Road was commenced.

In New York City, in the period of five years, from 1845 to 1850, the value of real estate fell from two hundred and fifty-one millions to two hundred and forty-nine millions. Since then, the Erie Railroad has been completed, and the assessed value of real estate for 1853, showed an increase of sixty-two millions over the assessment of the previous year, or above seventeen per cent. The ratio of increase in real and personal property was about equal.

In Louisville, in 1848, the value of property was a little over fourteen millions. During that year, she commenced a system of Roads. In 1853, (five years after,) the assessed value of property had risen to thirty millions.

In the last annual report of the Pacific Railroad Company in Missouri, they say:

"It seems here a proper place to observe that, in its effects upon the price of lands adjacent to the line, the Railroad is accomplishing quite as much as was ever predicted or promised. The value has been at least trebled. Lands which recently were held at one dollar and fifty cents, are now held at ten dollars per acre. Those which were held at thirty dollars, have been sold at one hundred dollars. Those which were but lately bought for three hundred dollars, have been sold for one thousand dollars. There can hardly be a doubt that the enhanced value of lands through the district of country in which our Road is laid, already considerably exceeds the esti-

mated costs of the work, as far as located. Another perceptible effect is a renewed spirit of industry and enterprise, and the development of our resources. In the interior, it has attracted new settlers, and occasioned the entry of large quantities of public land."

An instance is lately stated in the United States Economist, as being within the knowledge of the editor, of a person who invested his earnings for some time in land, in Illinois, which he offered in the end for twenty thousand dollars, but without success. The Central Railroad passed through it, and he was hesitating at an offer of one hundred and twenty thousand dollars.

These are a few instances, out of similar thousands, in illustration of the effects of Railroads upon the value of lands in their vicinity.

The Board, therefore, thought that the enhanced value to the fund, by the construction of these Roads, would well justify the contribution proposed under this head; and it may be well to reserve to the State the power to do the same in the case of future charters, not falling within the system now proposed.

2. By subscription to the Stock of the Companies.

This was deemed unadvisable, for various reasons: To place the State and individual stockholders upon a just equality, it would be necessary to pay for the Stock in cash, and it was not believed a sufficient amount of cash capital could be derived from the lands to afford any useful aid to the Companies at present. Besides this, if the ultimate avails of the land should prove inadequate to cover the amount of Bonds issued to raise the cash for subscription, the State, under the inhibitions of the Constitution, would have no means nor resources from which to supply the deficiency, and would thus be exposed to damage of repute. It was also a cause of objection, that if the State were able to subscribe enough to afford effective aid, she would necessarily acquire a large share in the direction and management of the work, and such connection of political agencies with works of this nature, has heretofore proved so objectionable as to cripple their credit. The wastefulness of political agencies in the management of public works, is very strongly exhibited by a table of receipts and expenditures on the public works in Pennsylvania, compared for a series of years. The table was presented by a member of the Legislature of that State, at its last session, and shows how *expenditures grow* under political management:

	<i>Receipts.</i>	<i>Expenditures.</i>
1846.....	\$1,034,815.....	\$499,970
1847.....	1,230,422.....	532,728
1848.....	1,184,245.....	793,308
1849.....	1,238,720.....	730,528
1850.....	1,345,501.....	839,418
1851.....	1,234,062.....	894,451
1852.....	1,452,417.....	1,036,497
1853.....	1,303,541.....	1,158,104

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3. By loan of credit, or what is tantamount, guarantee of the bonds of the Company.

This is the most usual mode of aid, by States, to Companies undertaking important public works.

In Tennessee, the State loans the bonds of the State to the amount of ten thousand dollars for every mile of road graded by private subscription, and one hundred thousand dollars additional for every important bridge.

In Missouri, the State bonds were loaned to Companies at a single session to the amount of eight millions and a half of dollars.

In Virginia, at a single session, (1850-1,) the State guaranteed bonds of Rail Road Companies of a million dollars, besides large similar aids before and since. In the case of a single Company, she has made loans and guarantees exceeding three and a half millions of dollars.

In Maryland, the State loaned its credit to Railroad Companies to an amount exceeding five millions of dollars.

North Carolina has endorsed the bonds of the Wilmington and Raleigh Company and others to a large amount—nearly a million in one case, (the Raleigh and Gaston R. R.)

South Carolina guaranteed the bonds of the Blue Ridge Company for a million and a quarter of dollars.

Massachusetts aided the Western Railroad Company to the amount of four millions of dollars; and for the Hoosac Tunnel, costing three millions, guaranteed bonds for two millions of dollars.

Cities even, and private companies, do the same for the stimulating of such works.

The city of Portland, in Maine, with a population at the time not reaching twenty thousand, loaned the credit of the city to a Railroad Company connecting with Montreal for one and a half million of dollars.

Various towns in Maine loaned their credit to the Kennebec and Portland R. R. Co., to the amount of near a million of dollars.

Cincinnati, in Ohio, loaned the credit of the city to various Companies on one day to the amount of a million. She also loaned her credit to the St. Louis and Cincinnati Railroad Company for six hundred thousand dollars.

Baltimore lately endorsed the bonds of the Baltimore and Ohio Railroad Company for five million of dollars.

The same city also endorsed the bonds of the Connellsville R. R. Company for the amount of a million of Dollars. She also loaned her bonds to the North-western Railroad Company, (in Virginia,) for one million and a half of dollars, and the Baltimore and Ohio R. R. Co. loaned its credit by guaranteeing bonds for the same Company for one million of dollars.

The city of Knoxville, in Tennessee, guaranteed bonds of the East Tennessee and Virginia Railroad to a considerable amount.

This form presents a better mode of aid from the State Lands, be

cause it makes the road intervene between the creditor and the fund, and affords a larger basis for aid than the mode of subscription.

But the Board settled finally upon a mode of aid forming a modification of the last mentioned, and affording a larger basis for aid to the Companies, namely :

4. A guarantee of only the *interest* of the bonds, and a requirement from the Company to deposit with the Trustees of the Internal Improvement Fund, annually, a sufficient amount to compose a sinking fund, that will cover the principal of the bonds at maturity. A semi-annual payment of half of one per cent. will do this in the case of thirty-five year bonds at seven per cent.

To accomplish this purpose, it is recommended that the lands be vested in a Board of Trustees, consisting of the Governor, Comptroller, Treasurer and Attorney General, and shall compose a property, to be called the Internal Improvement Fund. That this Board take in charge the care of the lands, affix prices, make sales, adopt suitable plans for drainage without encroaching upon the cash funds, invest the proceeds of the lands in safe and proper securities, invest also the sinking fund, direct the payment of interest as it falls due, and perform such other duties as may be proper to be committed to them.

When twenty miles of road on any part of the routes indicated has been graded, and the cross ties prepared and delivered on the ground, it is recommended that the Company be authorized to issue coupon bonds running thirty five years, and bearing an interest not exceeding seven per cent., to the amount of ten thousand dollars per mile, in payment for iron and equipment, and not to be valid if applied to any other use; and that the Trustees of the Internal Improvement Fund be authorized to certify upon said bond that the interest will be paid as due, out of the funds in their trust, if not provided for by the Company, and when the iron has been laid on the first twenty miles, and a further length of ten miles has been graded, and the cross ties delivered, a further issue of bonds in same ratio to be made, and so on in successive Sections of ten miles.

To ensure the due attention of the Company to the payment of the interest, it should be made the duty of the President and Board of Directors, under suitable penalties, to present a sworn statement every six months of the gross receipts of the part of the road completed, and the expenses of working and maintaining it, and to pay into the Treasury of the State, subject to the order of the Trustees, the amount of interest payable upon the bonds issued, if the net receipts will pay the said interest, besides dividing six per cent. among the Stockholders, upon the amount paid in by them. But if the net receipts do not amount to so much, then the Company should be required to pay in fifty per cent., or one half of the net earnings, the remainder to be divided among the Stockholders. This arrangement is made to encourage Stock subscriptions, by enabling persons of limited estate to take and hold Stock, as well as to favor the Cou-

ties in the subscriptions hereafter recommended to be authorized.— In case the Internal Improvement Fund should be required to pay for any deficiency of interest, the Company should be required to deliver to the Trustees stock in the Road to an equal amount.

To guard the fund from being called upon to pay interest before the iron is laid, the Company should be required to deposit the first semi-annual instalment of interest at the time of receiving the bonds, and should be obligated to lay the iron upon the sections for which the bonds are issued within the current six months.

To guard the Internal Improvement Fund from loss, the bonds so issued should constitute a first lien upon the road, equipment, depots, warehouses, workshops and franchise, with suitable provisions for enforcing the lien in case of default.

To render the roads of certain usefulness to the State, the leading particulars in their construction should be specified, ensuring first class roads; and a uniform gauge and arrangement for through-trains, should be required.

It will be perceived that under the system proposed there can be no probable ultimate loss to the fund; for the roads and appurtenances would certainly be worth the cost of the iron and equipment provided for them.

Nor would the fund be long inactive if the roads proved profitable; for if the roads were able to pay the sinking fund instalment and the interest upon the bonds, by investing the sinking and Internal Improvement Funds, with their accumulating interest, in the guaranteed bonds, it would not be very long before the fund would be under control of the State. To expedite this result, it might be provided, that after a road shall, for five consecutive years, pay the sinking fund instalment, the interest upon its bonded debt, and a dividend of six per cent. to the Stockholders, the State should be at liberty to apply the accruing interest of the Internal Improvement Fund to other objects, so long as the roads continue to make the same income.

As a further guard to the interest which the State fund will have in the success of the roads, and as well to maintain their profitability as to make fully tributary to our development the advantageous geographical position of the State, it is recommended that an enactment be made which will secure these routes from the danger of rival lines, by which the trade properly tending towards them might be drawn off. While it would not become us to refuse to commerce a transit through our limits, it is still allowable, in due regard to the best interests of the State, to secure, as far as may be consistent with the general interests and rights of trade, the benefit of our position to the advantage of our own people. Our neighboring State of Georgia has laid down, at the last session of her Legislature, the rule of her government upon this point, in the following words:—

“There is nothing (says her Committee) illiberal or selfish in the de-

termination of Georgia to seize upon those gifts of nature and a bounteous Providence, which seem to have been so exclusively her own, and by their proper and judicious use to secure for her own people the greatest possible advantage. Such determination is in no wise incompatible with her political or social relations to other States or their inhabitants," and they quote approvingly the remark of Governor Bigler of Pennsylvania, in his last Message to the Legislature, that "where no principle of commerce is violated, it is the right and duty of the State to turn her natural advantages to the promotion of the views and welfare of the State." Without examining into the bearing of these views, we quote them as worthy to be considered.

To induce an early construction of the roads, it might be provided that no Company should be entitled to the guaranteed bonds for any part of their route not constructed within five years from the date of the Act, and the Companies undertaking should be required to commence their work by grading twenty miles within two years.

It will be perceived that the bonds are allowed to bear a maximum interest of seven per cent. Of seventy-six different kinds of Railroad bonds, issued by fifty-two different Companies, thirteen pay an annual interest of six per cent., fifty-five pay seven per cent., seven pay eight per cent., and one pays ten per cent. Most of the Southern and Western Railroad bonds range from seven to ten per cent.

In further aid of the system, the Board recommend that the Counties through which the roads pass be authorized to subscribe for Stock to an amount not exceeding one half the cost of constructing that part of the road which lies within their limits, and that the Towns and Cities at the terminal points, and on the route, be authorized to subscribe in their corporate character, without limit in amount, and with the consent of the Company. Provided, however, in both cases the subscription be sanctioned by the vote of a majority of the legal voters in such Counties, Cities, or Towns, who may vote; and that if bonds are issued for the subscription, the Stock shall not be assignable, except in exchange for the Stock Bonds, until they are cancelled,⁶ but shall be held as a collateral security for the discharge of them. If, instead of issuing Bonds, the Counties or Cities prefer to pay in their due instalments as called for, by immediate tax, the holders of the tax receipts, either as original parties or by assignment, should be entitled to receive a share of Stock for every hundred dollars of tax receipt.

This mode of contributing to the construction of Railroads is practised in nearly all the States, especially in the West and South, and has been attended with very favorable effects.

The Railroad Convention of the Southern and Western States, which met in New Orleans in 1852, in which were represented Louisiana, Virginia, Kentucky, Tennessee, Alabama, Florida, Missouri,

Arkansas, Texas, and Georgia, passed unanimously the following, among other Resolutions :

“Resolved, That it is the right of the people, whenever they may deem it proper, to subscribe through their municipal and parochial corporations for the stock of Railroads calculated to advance their interests, and that the Legislatures of the different States ought by law to authorize their cities, parishes and counties to make such subscriptions when desired by the respective inhabitants.”

As contrasted with subscriptions made by State loans, this plan is infinitely preferable. It may very well happen that while the contribution for a State loan is general throughout the State, the application of the fund may be very partial in its benefits, and controlled by prevailing influences in a manner utterly valueless to a large portion of the tax payers. Every person who parts with a dollar for any purpose beyond the expenses of administering government, should have a direct equivalent. We cannot expect unanimity in any case of taxation or appropriation ; but by County subscription, based upon a popular vote, we are assured the investment is not without local interest to the tax payer who is to meet the liability. The tax payers who are to answer the debt, decide the question of undertaking the debt ; and all the property which is to be enhanced in value by the improvement, is brought into fair and equal contribution. It is the only means by which the lands of absentees, and the unsold lands of the United States, so far as they may become private property before the bonds are discharged, can be made to bear its due proportion of the burthen.

The course is clearly a just one. In a recent discussion of the subject by a Journal devoted to Railroad matters, the subject is well presented in the following terms :

“Every person in a community living near a Railroad, is benefitted nearly in proportion to the amount of property he possesses. It is just, therefore, that the benefit and burden should correspond with each other. When a Railroad is built by individual contribution, a few make all the sacrifices, while the great mass reap all the benefit. Now it often happens that those who are the best able to contribute towards a Railroad, do the least. They have an abundance already, and the Road is not necessary to their abundance, or means of comfort or pleasure. They believe the Road must and will be built, whether they take hold or not, and that they can receive all the advantages to be derived from it, without being compelled to make any sacrifice, or incur any risk. The only way to make such men contribute to an enterprise, is to tax their property by the general voice of the community. When, therefore, an entire community are equally benefitted by a Railroad, the most equitable mode of raising the necessary means, is to make every person contribute according to the extent to which he is benefitted.”

But in the present condition of the State, the occasion for such aids is unusually imperative. We have as yet but limited accumulations of money capital, but there is large value in landed and other property, which is unproductive for want of the very advantages that Railroads will afford. The plan offers a means by which this inactive capital may be developed into usefulness.

Every protection to the Counties, from being overburthened, is secured, by limiting the authority to works comprehended in this system, and by confining the subscription to half the cost of construction within their respective limits.

Nor is there danger of inconsiderate action. For, by requiring the Commissioners to levy an annual tax to meet the liability, the voters will duly reflect before assuming a burthen which is to bear at once upon their means.

Nor will the benefits be unworthy the sacrifice. The increased value of property consequent upon the improvement, will be more than the liability; and the stock received in lieu will, by its dividends and value, balance the bonds and interest as soon as the work is in useful operation. The very expense saved annually in transportation of the exports and imports of a County, would generally be more than the outlay for the interest of a subscription, even in cases where the maximum subscription allowed by the Act was made.

The Board believe that the adoption of the system they recommend, will result in the early construction of all the roads contemplated by it.

With the concurrence of the Committees on Internal Improvement of the two Houses of the General Assembly, the Board have prepared a Bill that will carry out the views they present, which bill has been examined and approved by the Attorney General, and which is respectfully submitted as a part of their report.

In conclusion, we recommend that the Board, being no longer necessary, if the proposed plan is adopted, be abolished as a Board, the State Engineer only being retained; and the Board take the occasion to express their high satisfaction with the manner in which this officer has discharged his duties, and as his labors will be much increased by the plan proposed, they doubt not that his continued usefulness will secure him a permanent public favor.

DAVID L. YULEE,
JAMES T. ARCHER,
RICHARD H. LONG.
A. S. BALDWIN,
JOHN C. PELOT.

Which was read, and on motion of Mr. Brinson, two hundred and fifty copies of said Message, and accompanying Report and Bill, were ordered to be printed.

On motion of Mr. Eppes, the order to print the above Message, Report and Bill was re-considered.

On motion, the rule was waived, and the President introduced a Bill in relation to Internal Improvement, sent to the Senate by his Excellency the Governor.

Mr. Bird moved that seventy-five copies of said Bill, and five hundred copies of the Message and Report of the Board of Internal Improvement, be printed ;

Upon which the yeas and nays were called for by Messrs. Myrick and Provence, and were :

Yeas—Mr. President, Messrs. Bird, Cone, Filor, Hawes, Long and Provence—7.

Nays—Messrs. Brinson, Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith, Tracy and Wynn—9.

So said motion was lost.

Mr. Brinson moved that seventy-five copies of said Bill, and two hundred and fifty copies of the Message and Report of the Board of Internal Improvement, be printed ;

Upon which the yeas and nays were called for by Messrs. Myrick and Provence, and were :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Hawes, Hopkins, Long, Nicholson, Provence, Smith, Tracy and Wynn—14.

Nays—Messrs. Gillis and Myrick—2.

So said motion was adopted.

Mr. Provence moved that a Committee of three be appointed to contract with a printer for printing the above order ;

Which motion was lost.

House Bill to be entitled An Act for the relief of John Sapp, of Madison County ;

Was read the first time, and ordered to be read a second time on to-morrow.

House Resolution requesting an order from the Secretary of War, to the Indian Agent in Florida, for the delivery of a negro man belonging to B. M. Dell, of Florida ;

Was read the first time, and ordered to be read a second time on to-morrow.

House Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes ;

Was read the first time, the rule waived, read the second time, and on motion referred to the Committee on Federal Relations.

House amendment to Senate bill entitled An act to authorize William Webb to establish a Ferry across Escambia Bay ;

Was read and concurred in by the Senate.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled An act to authorize Samuel D. Howe of Marion County, to assume the management of his own estate ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Eppes, Filor, Gillis, Long, Myrick, Nicholson and Tracy—10.

Nays—Messrs. Brinson, Hawes, Hopkins, Provence and Smith—5.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Eppes, Filor, Hawes, Hopkins, Long, Myrick, Provence, Smith, Tracy and Wynn—14.

Nays—Mr. Gillis—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West ;

Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled An act to create a State Librarian ;

Was read the first time, and ordered for a second reading on to-morrow.

On motion, the Senate adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 23, 1864.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

On motion, the reading of the Journal was dispensed with.

The concurrence of the Senate in House amendment to Senate Bill entitled, An Act to authorize William Webb to establish a Ferry across the Escambia Bay ;

Was transmitted to the House of Representatives.

The following Bills which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled, An Act to authorize Samuel D. Howe, of Marion County, to assume the management of his own estate ;

A Bill to be entitled, An Act to remove the obstructions to the Navigation of the Suwannee River;

House Bill to be entitled, An Act to Organize the County of Volusia;

House Bill to be entitled, An Act for the Relief of the Town of Quincy;

House Bill to be entitled, An Act to permanently locate the County House of Hernando County, with amendment.

On motion of Mr. Tracy, House Bill to be entitled, An Act making additional appropriations to defray the expenses of Criminal Prosecutions, and for payment of Jurors and Witnesses for the fiscal years 1853 and 1854;

Was taken from the table and placed among the Orders of the Day.

Mr. Filor, from the Committee on Engrossed Bills, made the following Report:

The Committee on Engrossed Bills have examined the following Bills, and find them correctly engrossed:

A Bill to be entitled, An Act to Abolish the Office of State Engineer and Geologist;

A Bill to be entitled, An Act in relation to the institution of Suit before Justices of the Peace in Santa Rosa County;

A Bill to be entitled, An Act to Regulate the Performance of the Duties of the Supreme Court of this State, and to change the time and place for holding the Terms thereof;

A Bill to be entitled, An Act granting the Right of Appeal from the Judges and Orders of the Board of County Commissioners to the Circuit Court;

A Bill to be entitled, An Act to Incorporate the Lagoon and Perdido Canal Company.

Respectfully submitted,

JAMES FILOR,
Chairman.

Which was read, and the Bills placed among the Orders of the Day.

ORDERS OF THE DAY.

A Bill to be entitled, An Act to empower the County Commissioners of Wakulla County to levy a Tax for the purpose of building Court House in said County;

Was read the second time.

Mr. Smith moved to amend said Bill by adding the following Section:

"SEC. 2. *Be it further enacted*, That this Act shall not continue in force longer than two years";

Which motion was adopted, and the Bill as amended was read the

second time, and ordered to be engrossed for a third reading on Wednesday next.

House Resolution asking that Tampa be made a Port of Entry ;

Was read the third time as amended, and adopted.

Ordered that the same be certified to the House of Representatives.

House Resolution requesting an Order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man, belonging to B. M. Dell, of Florida ;

Was read the second time, and ordered to be read a third time on Wednesday next.

House Bill to be entitled, An Act for the Relief of John Sapp, of Madison County ;

Was read the second time, and ordered to be read a third time on Wednesday next.

A Bill to be entitled, An Act explanatory of the several Acts in relation to the Migration of Negroes or Free Persons of Color into the Port of Key West ;

Was read the second time, and ordered to be engrossed for a third reading on Wednesday next.

A bill to be entitled, An Act to create a State Librarian ;

Came up on its second reading.

On motion of Mr. Myrick, the Senate resolved itself into a Committee of the Whole for the consideration of said Bill, Mr. Provence in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported progress, and asked leave to sit again ;

Which was concurred in.

On motion of Mr. Eppes, said Bill was laid on the table.

House Resolution relative to extra compensation of the Clerk in the office of Comptroller of Public Accounts ;

Was read the second time.

Mr. Myrick moved its indefinite postponement ;

Upon which the yeas and nays were called for by Messrs. Eppes and Gillis, and were :

Yeas—Messrs. Bird, Eppes, Gillis, Hopkins, Myrick, Nicholson and Smith—7.

Nays—Mr. President, Messrs. Cone, Criglar, Filor, Hawes, Provence and Wynn—7.

So said motion was lost.

On motion of Mr. Hawes, said Resolution was referred to the Committee on Claims and Accounts.

House Bill to be entitled, An Act in relation to Pilotage at the Port of Bay Port ;

Was read the second time, and ordered for a third reading on Wednesday next.

House Resolution authorizing the Governor to turn over sixty

muskets and accoutrements to the Florida Independent Blues and others;

Was read the third time and adopted.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived to permit Mr. Brinson to make the following motions:

Mr. Brinson moved that Mr. Wynn be excused from attendance on the Senate until the third of January;

Upon which the yeas and nays were called for by Messrs. Provence and Eppes, and were:

Yeas—Mr. President, Messrs. Brinson, Cone, Filor, Gillis, Hawes, Long, Nicholson and Wynn—9.

Nays—Messrs. Criglar, Eppes, Hopkins, Myrick, Provence and Smith—7.

So Mr. Wynn was excused.

Mr. Brinson moved that Mr. Bird be excused from attendance until Tuesday next;

Upon which the yeas and nays were called for by Messrs. Eppes and Provence, and were:

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Smith, Tracy and Wynn—13.

Nays—Messrs. Eppes, Myrick and Provence—3.

So Mr. Bird was excused.

On motion, the rule was waived, and Mr. Long, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have examined and report as correctly enrolled the following:

An Act for the relief of Doctor C. A. Hentz;

Also, An Act to repeal An Act amendatory of An Act to establish a Mayor's Court in the city of Apalachicola;

Also, An Act in relation to a Road Tax in the Counties of Putnam and Marion;

Also, An Act to allow the Supreme and Circuit Courts to hold extra Terms;

Also, An Act in relation to evidence;

Also, An Act to establish a Ferry at Brown's Ferry, in Jackson County;

Also, An Act to enforce the laws against the violations of the Sabbath day in Monroe County.

Respectfully submitted,

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was read.

House Bill to make additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854;

Was read the second time, the rule waived, read the third time by its title, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith, Tracy and Wynn—14.

Nays—None.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled An Act in relation to the institution of suits before Justices of the Peace in Santa Rosa County ;

Was read the third time.

On motion, the rule was waived, and Mr. Long offered the following special amendment :

Strike out the word " cited," and insert in its stead the word " civil." Which was agreed to.

Mr. Provence moved the following additional section :

SEC. 2. *Be it further enacted*, That the privileges granted in the foregoing Section to Santa Rosa County, be and they are hereby extended to every County in the State.

Mr. Tracy moved the following amendment to the proposed amendment of Mr. Provence :

" Except so far as it relates to the Counties of Columbia and Nassau."

Mr. Provence asked leave to withdraw said amendment ;

Which was granted.

Upon the question of the passage of the Bill, the vote was :

Yeas—Mr. President, Messrs. Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Provence, Tracy and Wynn—13.

Nays—Messrs. Nicholson and Smith—2.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled An Act to abolish the office of State Engineer and Geologist.

Came up on its third reading.

Mr. Provence moved to lay the Bill upon the table ;

On which motion the yeas and nays were called for by Messrs. Brinson and Hopkins, and were :

Yeas—Messrs. Brinson, Cone, Criglar, Hawes and Provence—5.

Nays—Mr. President, Messrs. Eppes, Filor, Gillis, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—9.

So the Bill was not laid upon the table.

Mr. Provence gave notice that at a future time he would enter his protest against the vote just taken.

The Bill was read the third time and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Cone, Criglar, Eppes, Filor, Gill Hopkins, Long, Myrick, Nicholson, Smith and Tracy—12.

Nays—Messrs. Brinson, Hawes and Provence—3.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act to regulate the performance of the duties of the Supreme Court of this State and to change the time and place for holding the terms thereof;

Came up on its third reading.

On motion of Mr. Myrick its further consideration was postponed until Wednesday next.

Engrossed Bill to be entitled, An Act to Incorporate the Lagoon and Perdido Canal Company;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Long, Myrick, Nicholson, Smith and Tracy—12.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled, An Act granting the right of Appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Cone, Criglar, Eppes, Filor, Hawes, Long, Myrick, Nicholson, Provence, Smith and Tracy—12.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion, the Senate adjourned until Wednesday morning, 1 o'clock.

WEDNESDAY, December 27, 1854.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal Saturday was dispensed with.

The following Bills and Resolutions which had passed the Senate were transmitted to the House of Representatives, viz:

A bill to be entitled An act to Incorporate the Lagoon and Perdido Canal Company;

A bill to be entitled An act in relation to the Institution of Suits before Justices of the Peace in Santa Rosa County ;

A bill to be entitled An act granting the right of appeal from the Judges and Orders of the Board of County Commissioners to the Circuit Court ;

A bill to be entitled An act to abolish the office of State Engineer and Geologist ;

House bill to be entitled An act making additional appropriations to defray the expenses of Criminal Prosecutions and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854 ;

House Resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues and others ;

House Resolution asking that Tampa be made a Port of Entry with "enclosed amendments."

The following Bills which had passed both Houses of the General Assembly and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz :

An act in relation to a Road Tax in the Counties of Putnam and Marion ;

An act to allow the Supreme and Circuit Courts of this State to hold extra terms, whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious disease at the time and place or places appointed by law for holding the regular terms ;

An act for the relief of Dr. C. A. Hentz ;

An act to establish a ferry at Brown's Ferry in Jackson County ;

An act to enforce the laws against violations of the Sabbath Day in Monroe County ;

An act in relation to Evidence ;

An act to repeal Section Four of An act amendatory of an act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5th, 1853.

Mr. Hawes presented the memorial of Citizens of Putnam County, in relation to a loan of money from the State for the purpose of building a jail for said County ;

Which was read, and on motion of Mr. Hawes was referred to the Committee on Propositions and Grievances.

Mr. Filor from the Committee on Engrossed Bills made the following report :

The Committee on Engrossed Bills have examined the following Bills and find the same correctly Engrossed :

A bill to be entitled An act explanatory of the several Acts in relation to the migration of negroes or free persons of color into Key West.

A bill to be entitled An act to empower the County Commission-

ers of Wakulla County to levy a tax for the purpose of building Court House in said County.

Respectfully submitted,
JAMES FILOR,
Chairman.

Which was read, and the Bills placed among the orders of day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, December 22, 1854.

Hon. President of the Senate :

SIR :—The House has ordered the printing of 500 copies of the Report of the Board of Internal Improvement, and 100 copies of a Bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State.

Very respectfully,
HUGH A. CORLEY,
Clerk Ho. Reps.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES, }
December 23, 1854. }

Hon. President of the Senate :

SIR :—The following Bills and Resolutions have passed the House:

A Bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Scrip issued under the act of the 7th of January, 1853:

A Bill to be entitled An act to define the Boundary Lines of Duval and Nassau Counties;

A Bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes;

A Bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County;

A Bill to be entitled An act to provide for the relinquishment of the United States in certain cases, title to, and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State;

A Bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando and Escambia Counties;

A Bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola;

Resolution asking Congress to declare Indian River a Port of Delivery;

Resolutions making appropriation for repairs on the Capitol;

Senate Bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola, without amendment;

Senate Bill to be entitled An act governing Judges of Probates in certain cases, with the following amendment, viz :

Add the following additional sections :

Sec. 4. *Be it further enacted*, That hereafter every Judge of Probate shall, before entering upon the duties of his office, give bond with two sufficient sureties, in a sum to be fixed by the County Commissioners, not less than five hundred nor more than five thousand dollars to the Governor and his successors in office, conditioned in the faithful discharge of his duties, which bond shall be approved by the County Commissioners, and filed with the Clerk of the Circuit Court.

Sec. 5. *Be it further enacted*, That said bond may be prosecuted or sued upon from time to time in the name of the Governor, for the use of any person or persons interested or aggrieved.

Sec. 6. *Be it further enacted*, That when the Judge of Probate shall find it necessary to take charge of Estates, he shall be entitled to the same fees and commissions now allowed by law to administrators and guardians.

Senate Bill to be entitled An act in relation to slaves and free persons of color, with the following amendments, viz :

Strike out the words "ten dollars" in the 26th line of the 2d section, and insert "one hundred dollars, and thirty days imprisonment, or thirty-nine stripes on their bare back ;"

Insert the word "oral" between the words "prohibit" and "religious" in the 31st line of the 2d section ;

Senate Bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County, with the following amendments, viz :

Strike out section 4 ;

Amend the title by inserting the words "to be entitled An act," after the word "bill ;"

Senate Bill to be entitled An act in relation to Pilotage at the Port of Key West, with the following amendments, viz :

Insert the word "section" before the figures 2, 3, 4, 5, and 6, in the margin, and after said figures insert the words "*Be it further enacted*, That ;"

Strike out figures "7 and 8 in the margin ;"

Strike out figure "9" in the margin and insert "*Section 7. Be it further enacted*, That ;"

Strike out "10" in the margin and insert "*Section 8. Be it further enacted*, That."

In all which amendments, the concurrence of the Senate is respectfully requested.

Very Respectfully,

HUGH A. CORLEY,
Ct'k. House Rep's.

Which was read.

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Ordered that the House Bills and Resolutions be placed among the orders of the day, and the Senate Bills be Enrolled.

Also the following :

HOUSE OF REPRESENTATIVES,
December 27, 1854.

Hon. H. V. SNELL,

President of the Senate :

SIR:—The following Bills and Resolutions have passed the House :

A Bill to be entitled An act to hold the Courts of Orange County at Mellonville ;

A Bill to be entitled An act to prevent the abduction and escape of Slaves from this State ;

A Bill to be entitled An act to change the periods now fixed by law for the payment of Taxes, and for the settlements of Tax Collectors ;

A Bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State ;

A Bill to be entitled An act to amend an act concerning Roads and Highways in this State ;

Senate Bill to be entitled An act to empower Charles H. Lowry of Gadsden County, to manage his own estate ; and

Senate Resolutions in relation to a mail route from Tallahassee by the way of Sopchoppy, in Wakulla County, to White Bluffs, Picketsville, at the mouth of Crooked River on the Apalachicola Bay ;

The House has concurred in Senate amendment to House bill to be entitled An act to permanently locate the Court House of Hernando County.

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives

Which was read.

Ordered that the House Bills and Resolutions be placed among the orders of the day, and the Senate Bills and Resolutions be enrolled.

ORDERS OF THE DAY.

Engrossed Bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the time and place for holding the terms thereof ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Gillis, Hawes, Hopson, Myrick, Nicholson, Provence and Tracy—9.

Nays—Messrs. Bird, Cone, Criglar, Eppes and Long—5.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House bill to be entitled An act in relation to Pilotage at the Port of Bayport;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—14.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion of Mr. Eppes, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate resumed its session. A quorum present.

House bill to be entitled An act for the relief of John Sapp of Madison County ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. President, Messrs. Brinson, Bird, Criglar, Filor, Gillis, Hawes, Long, Myrick, Nicholson and Tracy—11.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a negro man belonging to B. M. Dell of Florida ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Brinson, Criglar, Filor, Gillis, Hawes, Long, Myrick, Nicholson and Tracy—10.

Nays—None.

So the resolution passed.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled An act to provide for, and encourage a liberal system of Internal Improvements in this State ;

Was read the first time, the rule waived, read the second time by its title, and on motion of Mr. Long, referred to the Committee on Internal Improvements.

Engrossed bill to be entitled An act to empower the County Com

missioners of Wakulla County to levy a tax for the purpose of building a Court House in said County ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson and Tracy—12.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—13.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and on motion of Mr. Long, the following bills were taken from the table and placed among the Orders of the Day, viz :

A bill to be entitled An act to create a State Librarian ;

A bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State.

House amendments to Senate bill entitled An act governing Judges of Probate in certain cases ;

Were read, and on motion of Mr. Hopkins, the Senate refused to concur in said amendments.

Ordered that the same be certified to the House of Representatives.

House amendments to Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ;

Were read, and on motion of Mr. Long, the Senate refused to concur in said amendment, so far as to "strike out section four," and concurred in amendment to the title of said bill.

Ordered that the same be certified to the House of Representatives.

House amendments to Senate bill entitled An act to amend an act in relation to Pilotage at the Port of Key West ;

Were read, and on motion of Mr. Filor, the Senate concurred in said amendments.

Ordered that the same be certified to the House of Representatives.

the amendments to Senate bill to be entitled An act in relation to free persons of color ;

read, and on motion of Mr. Eppes, the Senate refused to concur in the amendments proposed in the 26th line of the second section and concurred in the amendments proposed in the 31st line of the second section.

ordered that the same be certified to the House of Representatives.

The bill to be entitled An act to provide for the relinquishment of United States in certain cases title to and jurisdiction over the sites of Light Houses and for other purposes on the coast of this State ;

read the first time, and ordered for a second reading on to-morrow.

The bill to be entitled An act extending the time authorizing H. Tresper to establish a ferry across the Suwannee River from the Landing and for other purposes ;

read the first time.

On motion of Mr. Hopkins, the rule was waived, and the bill read a second and third time by its title, and upon the question of its passage, the vote was :

—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson and Tracy

—None.

The bill passed—title as stated.

ordered that the same be certified to the House of Representatives.

The bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Script issued under the act of the 7th January, 1853 ;

read the first time and ordered for a second reading on to-morrow.

The bill to be entitled An act to unite the offices of Sheriff and Assessor and Collector in Hernando and Escambia Counties ;

read the first time, and ordered for a second reading on to-morrow.

The bill to be entitled An act to legalize the proceedings of the Court of Probate of St. Lucie County ;

read the first time and ordered for a second reading on to-morrow.

The Resolution making appropriations for repairs on the Capitol ;

read the first time, and ordered for a second reading on to-morrow.

The bill to be entitled An act to define the boundary lines of Alachua and Nassau Counties ;

Was read the first time; on motion of Mr. Hopkins, the rule was waived, the bill read the second time by its title, and referred to Select Committee, consisting of Messrs. Hopkins, Tracy and Hawes.

House Resolution asking Congress to declare Indian River a Path of Delivery;

Was read the first time.

On motion of Mr. Brinson, the rule was waived, the Resolution read the second and third time by its title, and upon the question of its passage, the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Gillis, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—14.

Nays—None.

So the Resolution passed.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and Mr. Provence from Committee on Federal Relations made the following report:

The Committee on Federal Relations to whom was referred a Resolution "authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes," have had the same under consideration and respectfully

REPORT:

That they have communicated with Mr. Papy, the Attorney General, concerning the matter, and have received from him the following communication, viz:

ATTORNEY GENERAL'S OFFICE,
TALLAHASSEE, December 27, 1854.

HON. D. PROVENCE, *Chair'n pro tem.*

Committee on Federal Relations:

SIR:—I have received your note of yesterday's date, and in reply to the enquiries propounded to me, have to state, that I consider it important to the interest of this State to have the services of the Hon. J. D. Westcott in the cause pending in the Supreme Court of the U. S., between Florida and Georgia, to settle the question of boundary between the two States, not only because of the value of such services in the abstract, but because from the great research, and the intimate knowledge which Mr. Westcott possesses, in reference to all the matters of fact and of law connected with the subject, he is better qualified to present the question in behalf of Florida than any person I could designate who has not had the same opportunities for investigation of the subject, and the same access to the various sources of information.

I am informed that the records in the Executive Office show

Westcott was originally engaged in the case by Gov. Moseley continued by Gov. Brown, and also that the bill now on file was introduced by Mr. Westcott after devoting much time and labor to it.

I am, very respectfully, &c.,

M. D. PAPY.

which sets forth sufficient reasons for passing the resolution, and, therefore, your Committee recommend its passage.

Respectfully submitted,

DAN'L. BIRD, Sen.,

Chairman.

which was read, and Resolution placed among the Orders of the

motion, the rule was waived, and Mr. Myrick, from the Committee on Schools and Colleges, made the following report :

Your Committee, in taking the subject of Schools and Colleges under consideration, most respectfully represent that they have examined the Report of the Register of Public Lands, who is the Superintendent of Common Schools, and find the affairs of the several counties in a most flourishing and prosperous condition, and invite the same to the most scrutinizing

and further examination into the affairs of these respective counties. However, we do not arrive at so favorable a conclusion. We concur in the report of the Treasurer. We find in that report that a large amount of the Seminary Fund has been directed from its mutual purposes, by lending it to the State for the purpose of paying certain indebtedness of the State, known as the Indian Hostilities, thereby placing said fund in a position rendering it unavailable. Your Committee fear that great inconvenience may arise, and serious difficulty be found in reimbursing the Treasury of the State the source that it seems to rely upon. The Committee are of the opinion that the amount loaned from this fund was under the sanction of the Legislature, and take great pleasure in bearing testimony to the fact, that the same is to be attributed to the State Treasurer. We would not be considered either as condemning the action of the Legislature, or most sincerely regret that so unfortunate an occurrence has happened, as to be even necessary that any part of said fund should be diverted from the purposes for which it was granted. The loan, on its face, by the Report of the Treasurer, a loan to the State of Florida, but seems to look entirely to the United States for the benefit of the same. Your Committee fear that the wish that the same may be actually paid by the United States, may not prove favorable to the thought.

The School Fund too has shared a like blow ; not so large in amount as it is true, but equally fatal in its results.

Your Committee would, therefore, respectfully beg leave to enter their most solemn protest against any like act of legislation, where-

by any portion of the School or Seminary Fund may be diverted from its true intent and meaning. We would not be so understood as to desire that said fund shall not be so invested, as to bring into the respective funds such a rate of interest as shall have been before received, but do on the contrary recommend that so much of said fund as remains safe and secure in the hands of the State Treasurer be speedily lent out to the Counties in the State, for such purposes as they may desire, or invested in stocks that are selling at par or premium, as seems to have been the case upon other occasions.

Your Committee are of opinion that the plan now adopted by the Register of Public Lands, as Superintendent of Common Schools, is the most excellent one, and that time only is required to develop it to the great advantage of the system of education adopted for our sparsely settled people. The law passed at the last Session of the Legislature, authorizing the location of two Seminaries of Learning, one East and the other West of the Suwannee, has only been carried out so far as the East is concerned, and your Committee, in the absence of the report of the Commissioners appointed to designate a place for the location of said Seminary West, beg leave to report that in their opinion the location of said Seminary of Learning anywhere West of the Suwannee, cannot be effected, and give that satisfaction to parties interested as a matter of so much importance demands, and being perfectly satisfied that the Act of Congress granting the means to carry into requisition so great and desirable an object, called by the influence and representations of our delegation in Congress, be so altered as to suffer and require the same to be appropriated to Seminaries of Learning in Florida, East and West of the Suwannee.

Your Committee, therefore, in the absence of any report from the Commissioners so appointed to locate said Seminary, and believing that the interest of all parts of the State can be more fully subserved and carried out for the general good of our young State, by securing each and every County a part of said fund, for the purpose of establishing a County Seminary, suggest that the present Legislature dissent from any attempt to locate said Seminary, but wait the action of Congress now in session. And to that end, feeling perfectly satisfied that the views entertained by your Committee can be effected by the means proposed in their report, beg leave to present the following resolution, and ask the passage of the same by the Senate, and ask to be discharged from the further consideration of the subject.

Respectfully submitted.

J. T. MYRICK, *Chairman.*

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Representatives and Senators in Congress be, and they are hereby requested to procure an amendment to the law passed by Congress appropriating

in Florida for the purpose of establishing two Seminaries of Learning, so or in such a way as that the proceeds of said Lands be applied to Seminaries of Learning in the State of Florida in preference to two Seminaries of Learning, as is now the case.

When this was read, the report concurred in, and the resolution was adopted among the Orders of the Day for to-morrow.

Mr. Long, from the same Committee, made the following minority report:

The undersigned, one of the Standing Committee of the Senate on the subject of "Schools and Colleges," begs leave to express dissent to the Report of the majority of said Committee, as made to the Senate through their Chairman. The policy of the State in relation to said Seminary, as expressed in the Act of January 24, 1845, seems eminently wise. While it is admitted that the blessings of education flow from a common school education, for the support of which there will ultimately be a very respectable fund accumulated from the proceeds of the school lands of the State, still the scarcity of suitable teachers of those schools, seems so to have impressed itself upon the minds of the General Assembly, as to cause an express provision in the above mentioned Act, for the education of suitable common school teachers, at the two Seminaries so liberally provided for by the grant of the Federal Government. And while the undersigned is not unimpressed with the arguments which have been advanced through the public press and otherwise, in favor of distributing the Seminary Fund to the respective Counties, in aid of County Academies, still these arguments do not appear altogether conclusive. Because, among other considerations, it is obvious that the disposition of the Fund at command, into as many separate parcels as there are Counties in the State west of the Suwannee River, would reduce the sum to be used annually by each, to a very inconsiderable and not insignificant amount. Now, when it is recollected that the whole Fund at present is a little short of sixty thousand dollars, and the annual income or interest on the same can only be about three hundred and six hundred dollars, one half of which has already been appropriated to the endowment of the Seminary established by Act of the last Legislature at Ocala, in Marion County, east of the Suwannee River. Thus there is only an available fund of about one hundred and eight hundred dollars per annum, to be used for all the Counties west of that River. This sum divided annually by the number of Counties west of the Suwannee River, being fourteen in number, would give to each only about \$128. It does appear proper that any County Academies which cannot sustain themselves without aid from this fund, can scarcely be expected to do so with a meagre addition to their means. Therefore, the undersigned respectfully suggests that such a disposition of the small, but sacred fund in question, would be little better than a total waste of the

It is also true that the annual income of the fund now at command, (no diminution of the principal fund being allowable,) is not too small to sustain a College or Seminary of Learning sufficient and respectable in character to educate the youth of the country, and supply the State with a sufficient number of educated young men to teach the Common and higher Schools in all the Counties of the State, and this difficulty is enhanced by the recollection that it would require the aggregate annual income for many years to be expended in the purchase or erection of suitable buildings for the accommodation of such a School, College or Seminary of Learning. To obviate this insurmountable difficulty, and to make the immediate establishment of so desirable an institution possible, which might otherwise be delayed for many years, the citizens of Tallahassee have, through their Mayor and Common Council, offered to add to the interest fund at present available the sum of ten thousand dollars, payable in part in a handsome and substantial edifice, now near completion, at cash valuation, and the balance of said sum of ten thousand dollars payable in cash; what is still more important, the city also offers to guarantee to the support of said institution the annual sum of one thousand five hundred dollars forever. The only condition upon which this donation is made, is that the Seminary in question shall be located in Tallahassee. The suitableness of this location is forcibly presented in the interesting communication conveying this proposition to the General Assembly, through the Honorable the Speaker of the House of Representatives, a copy of which is hereto appended; having been kindly furnished to the undersigned by the Chairman of the Committee on Schools and Colleges in the House of Representatives, to whom the same had been referred. The undersigned takes pleasure in submitting this proposition of his fellow-citizens to the consideration of the Senate, in the hope and persuasion that it will be regarded as altogether liberal and wise, and that it may prove acceptable to the General Assembly.

The undersigned also herewith submits a Bill to be entitled An Act to locate the Seminary of Learning West of the Suwannee River, the passage of which he respectfully recommends.

M. A. LONG,
Of Committee on Schools and Colleges

To the Hon. Speaker of the

House of Representatives :

SIR :—As Intendant of the City of Tallahassee, I have been instructed, by its Corporate Authorities, to call the attention of the General Assembly to the propriety of establishing at this place a State Seminary that is to be located West of the Suwannee River.

We submit that the City of Tallahassee offers inducements for the location of the Seminary equal to, if not greater than those offered by any other point West of the Suwannee. In point of health,

that this City is not surpassed by any place in Florida. Prior to 1833 our City was occasionally visited with severe disease, but during that period the temporary causes of disease have been removed, and we can safely challenge a comparison in point of salubrity with any other locality. For the last ten or twelve years, any serious epidemic has been almost unknown among us. While various other diseases of our State have been visited with yellow fever and other epidemics, we have been happily exempt; and we have every reason to believe that in the future we shall have occasion to number our uninterrupted health as among the greatest of our blessings.

We cannot claim that Tallahassee is exactly in the geographical centre of that portion of the State lying West of the Suwannee, but we claim, and we think justly, that it is sufficiently in the centre of the population, both present and prospective; and, moreover, we think that no place can be found, West of this, more accessible from the extremes. Distance, for all practical purposes, in this State, by steamboats and railroads, is no longer calculated by the number of miles between one place and another, but by the length of time required to accomplish the trip. If it be objected, then, to this that it is too far *East*, we would ask what point *West* of this can be reached, by persons from the extreme West, with more facility than this? We have, now, a regular line of steamers along our coast from Pensacola to St. Marks, and St. Marks is connected with Tallahassee, at present, by railroad, and in a short time will be by a direct road. Persons from Pensacola or any intermediate points, by a direct route, can reach Tallahassee in less time and at less expense, than from any other point West of this, which is likely to compete with this. It is within our knowledge that persons wishing to go from Tallahassee to Marianna, have found it most convenient to take Tallahassee in their route. The trip from Pensacola to St. Marks, by a direct route, need not occupy more than from fifteen to twenty hours, thus bringing us within reach of the extreme *Western* point in less than twenty-four hours. The time now required to reach this place from Tallahassee (from Walton County, (the extreme Eastern point,)) is nearly double this. It is an argument, therefore, that Tallahassee is too far *East*, should not be weight. Another argument in favor of this place is, that it is centrally located, and the Institution, if located here, will be under the immediate supervision and control of the Executive and General Assembly, and thus have a State character given to it, which it cannot possibly otherwise possess. No one can doubt that the Institution has the immediate guardianship of the Executive and General Assembly will have a vast influence in inspiring the public at home and abroad, as well as the professors, teachers and pupils of the Institution, with confidence and zeal which is so essential to success. It will be, as in the State of South Carolina, whose State College is located at the Seat of Government. Every individual in the State will have an interest and a pride in its success, and, in a few years, in-

stead of seeing our people sending their children abroad, where the minds are too often poisoned with prejudices against the institution of the land of their birth, we shall see them properly educated at home; and it may be, youths from more northern latitudes may be attracted to enjoy, at once, the advantages of a collegiate education and the health-restoring influences of our mild and salubrious climate.

Tallahassee claims no precedence over other parts of the State in the morality and intelligence of her citizens; but at the same time, she yields superiority to none in these particulars. This is not a large commercial city, where the morals of young persons are liable to great exposure, but it is at the same time sufficiently large to afford those moral, religious and conventional advantages which result from a refined state of society. It is situated, too, in the heart of the best provision growing portion of the State, thus giving a guaranty as to cheapness of board, at least equal to any other portion of it.

I respectfully submit that these considerations alone are sufficient to determine the General Assembly to locate the Seminary at this point, but I am instructed by the City Authorities to offer still further inducements.

On the high hill immediately west of the City, overlooking it and the adjacent country, the Corporate Authorities own ten acres of land, on which they are now erecting and have nearly completed for Seminary purposes, a large and commodious brick building, the cost of which, when fully completed, according to the contract of its constructors, will be about \$7,000. The City Council have instructed me to say that if the Seminary shall be located here, they will, at once, give to it the sum of \$10,000, to be paid in part by a conveyance of the above described property, at whatever price the appraising agents of the State may put on it, and the balance in cash; and that in addition to the said sum of \$10,000, which is to be paid immediately, they will give to said Seminary the further sum of \$1,500 per annum, for every year, so long as the Institution shall exist—the said \$1,500, however, to be expended in the tuition of the children of the City, in such manner as may be agreed upon between the Board of Direction and the Corporate Authorities of the City.

Should this arrangement be adopted, the Seminary may go immediately into operation, as it will have not only the necessary building and grounds to commence with, but also a cash capital, independent of what it will receive from the State, of several thousand dollars, and a sure annual income of \$1,500—to say nothing of its additional income from pupils not residents of the City.

If this offer be not accepted, the Seminary West of the Suwannee cannot hope to go into operation for many years yet to come, as the sum it is at present entitled to receive from the State is only about \$1,600 a year, a sum entirely inadequate to build up such an Institution as we desire.

the General Assembly shall accept the offer which I now have
or to make, I think I hazard but little in saying that when
next meet here, for the discharge of their duties, they will find
minority in a condition which will be alike gratifying to their
pride and State pride.

I have the honor to be, &c.,

WM. R. HAYWARD,
Intendant City of Tallahassee.

which was read.

motion, the Rule was waived, and Mr. Long permitted to in-
troduce without previous notice, a bill to be entitled An act to lo-
cate the Seminary of Learning to be established West of the Su-
wannee River in this State;

which was placed among the Orders of the Day.

motion, the rule was waived, and Mr. Filor pursuant to previ-
ous notice, made the following minority report:

The undersigned from the Select Committee to whom was referred
the petition of J. W. Porter, Mayor of the City of Key West, begs
to present the reasons which induced him, and the considera-
tions he understood them, which prompted the Committee to re-
frain from the aforesaid Petition, and by permission

REPORTS:

On the question of the "Water Rights at Key West being the prop-
erty of the State of Florida," *was not distinctly* under the consideration
of the Committee, inasmuch as they deemed it unnecessary to ex-
press an opinion in relation thereto, the matter being so informally
settled.

The informality consists of the following point:

The Petition purports to be in behalf of the City Council, but is
signed by J. W. Porter, Mayor of the City of Key West, in
the name of the City Council; whereas, to properly reflect the wishes of
the City Council, it should have been properly certified by the Clerk
of the Council as a *true transcript* of the proceedings of a *regular or*
called meeting of the Council, in order to give it due weight as

The undersigned does not hesitate to say as his belief, that J. W.
Porter, signed the same, but he would hesitate to legislate or recom-
mend legislation upon a matter of such grave importance, coming in
contact with large private interests as the Petition itself shows, when
it is *not made distinctly* to appear, by proper authentication,
by a legal act or even wish of the City Council, or through them of
the citizens of Key West. Such action would be opening too wide
a door for individuals to give expression to their private views and
as the views and wishes of the people they may, under cer-
tain circumstances, be entitled to represent; too dangerous as remo-

ving the safeguard of proof, by authentication of proceedings of Board established by law, and provided with means for the proper authentication of their legal proceedings.

The undersigned fully recognizes the right of petition, and would not hesitate to present and act upon any petition sent him by the citizens of Key West, and do all in his power to gain them any and all rights or privileges of property or otherwise, but so informal a petition as that of J. W. Porter, bears upon its own face its own condemnation.

The question as to the State being "the proprietor of the water rights and privileges from high tide on the coast to the distance of one marine league seaward," may have been suggested before the Committee, yet it could only be considered as the expression of opinion, as the matters in the petition were to abide the determination whether or no the said petition was properly, authoritatively and legally presented for action; that being decided in the negative, the question of water rights remained unacted upon.

Such, in the opinion of the undersigned, were the controlling reasons which actuated the Committee in reporting against the petition of J. W. Porter, and he disclaims even intending to represent that the "citizens of Key West were unwilling to accept a conveyance of important and valuable franchises," but on the contrary hold it to be his duty as his pleasure to acquire or obtain any and all rights and privileges in his power for the Counties he represents, when the same is presented as the wish and petition of the citizens, and merely of a citizen.

Respectfully submitted,

JAMES FILOR.

Which was read.

House bill to be entitled An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola;

Came up on its first reading;

On motion of Mr. Hopkins, the rule was waived, the bill read the first time by its title, and ordered for a second reading on to-morrow.

House bill to be entitled An act to admit Anderson J. Peeler to practice law in this several Courts of this State;

Was read the first time, on motion the rule was waived, the bill read the second time by its title, and on motion of Mr. Hawes, laid upon the table.

House bill to be entitled An act to hold the Courts of Orange County at Mellonville;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to change the periods now fixed by law for the payment of taxes and for the settlement of Tax Collectors;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to amend An act concerning roads and Highways now in force in this State;

Was read the first time, and ordered for a second reading on to-morrow.

House bill to be entitled An act to prevent the abduction and escape of slaves from this State;

Was read the first time, and ordered for a second reading on to-morrow.

bill to change the mode of compensating the several Solicitors Prosecuting Attorneys of this State;

Was read the second time.

On motion of Mr. Long, the amendments proposed by the Judiciary Committee, to whom it had been referred, were adopted, the Bill amended read the second time, and ordered to be Engrossed for third reading on to-morrow.

bill to be entitled An act to create a State Librarian;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

House Resolution authorizing the Governor to compensate James Westcott for services in the Supreme Court of the United States, for other purposes;

Was read the third time, and upon the question of its passage, the yeas and nays were—

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Hawes, and Provence—8.

Nays—Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson and others—6.

The Resolution passed.

Ordered that the same be certified to the House of Representatives.

bill to be entitled An act to locate the Seminary of Learning to be established west of the Suwannee River in this State;

Was read the first time, and ordered for a second reading on to-morrow.

On motion, the rule was waived, and Mr. Myrick permitted, without previous notice, to introduce the following bills, viz:

bill to be entitled An act for the relief of Dr. William S. Wilcox and Dr. Etheldridge Phillips;

bill to be entitled An act to amend An act now in force in relation to the Partition of Estates, real and personal;

and bills were placed among the Orders of the Day for to-morrow.

On motion,

The Senate adjourned until to-morrow, ten o'clock, A. M.

THURSDAY, December 28, 1854.

The Senate met pursuant to adjournment.

A quorum being present, on motion of Mr. Brinson, the reading of the Journal of yesterday was dispensed with.

The concurrence of the Senate to House amendments to Senate bill to be entitled An act in relation to Pilotage at the Port of Key West; the refusal of the same to one of the House amendments to Senate bill to be entitled An act in relation to slaves and free persons of color; the refusal of the same to concur in House amendments to Senate bill entitled An act governing Judges of Probate in certain cases; and the refusal of the same to concur in one of the House amendments to Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County, were transmitted to the House of Representatives.

The following Bills and Resolutions which had passed the Senate were also transmitted, viz :

A bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State and to change the time and place for holding the terms thereof ;

A bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West ;

A bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County ;

House bill to be entitled An act extending the time authorizing George H. Tresper to establish a ferry across the Suwannee River and for other purposes ;

House bill to be entitled An act for the relief of John Sapp, of Marion County ;

House bill to be entitled An act in relation to Pilotage at the Port of Bayport ;

House Resolution asking Congress to declare Indian River a Port of Delivery ;

House Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States and for other purposes ; and

House Resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a negro man belonging to B. M. Dell, of Florida.

On motion of Mr. Hawes, the use of the Senate Chamber was granted to Dr. Crane for the purpose of delivering a Lecture, this evening.

Mr Hawes gave notice that he would, on some future day, ask leave to introduce a Bill to be entitled An Act granting aid to the County of Putnam, to build a Jail and Court House.

motion, the rule was waived, and Mr. Provenee permitted, at previous notice, to introduce a Bill to be entitled An Act to amend the 5th Section of the 6th Article of the Constitution ; which was placed among the orders of the day.

Filor, from the Committee on Engrossed Bills, made the following report:

Committee on Engrossed Bills beg leave respectfully to report the following Bill as correctly engrossed :

Bill to be entitled An Act to change the mode of compensating General Solicitors or Prosecuting Attorneys of this State, and for other purposes.

JAMES FILOR, Chairman.

which was received, and the Bill placed among the orders of the day.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
TALLAHASSEE, December 22, 1854. }

H. V. SNELL,

President of the Senate :

—I have approved and signed the following Acts and Resolutions:

An Act for the relief of John B. Anderson, of Jackson County ;
An Act to repeal An Act entitled An Act in relation to a Road through the Counties of Santa Rosa and Escambia, as far as it relates to the County of Santa Rosa ;

A Resolution for payment of the Board of Internal Improvement.

JAMES E. BROOME.

which was read.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
December 27, 1854. }

President of the Senate :

—The following Bills have passed the House, viz:—

A Bill to be entitled An Act to change the name and establish the location of the Site of St. Lucie County ;

A Bill to be entitled An Act to change the time of holding the Court for Calhoun County, with the following amendment,

Strike out the word " conflicting," in the second Section, and insert in lieu thereof the words " so far as they may conflict ;"

which amendment the concurrence of the Senate is respectfully requested.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

Which was read, and the Bills placed among the orders of day.

Also the following :

HOUSE OF REPRESENTATIVES,
December 28, 1854.

Hon. President of the Senate :

SIR :—The House has ordered the printing of 75 copies of the following Bills, viz :

A Bill to be entitled An Act to incorporate the Florida and Mobile Railroad Company ;

A Bill to be entitled An Act to amend the Act incorporating the Florida Railroad Company.

The House has concurred in Senate amendment of Resolution asking that Tampa be made a Port of Delivery.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representatives

Which was read.

ORDERS OF THE DAY.

House bill to be entitled An act to provide for the relinquishment to the United States in certain cases title to and jurisdiction of lands for sites of Light Houses and for other purposes on the coast and waters of this State ;

Was read the second time.

When on motion of Mr. Hopkins, the word "Twenty" in the line of the first Section was stricken out and the word "Four" inserted in lieu thereof, and the bill as amended ordered for a third reading on to-morrow.

House bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Scrip, issued under act of the 7th January, 1853 ;

Was read the second time, and on motion of Mr. Hawes referred to the Committee on Taxation and Revenue.

House bill to be entitled An act to unite the offices of Sheriff, Tax Assessor and Collector in Hernando and Escambia Counties.

Was read the second time, and on motion of Mr. Long, was referred to the Committee on the Judiciary.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 23, 1854.

Hon. H. V. SNELL,

President of the Senate:

SIR :—I respectfully submit the following nominations for the vice and consent of the General Assembly :

For the County of Duval:

Pioneers—William Ledwith and George H. Smith.

For Jackson County:

Pioneers—W. A. Whitfield and Geo. W. Tillinghast.

For Hamilton County:

Pioneer—William T. Purviance.

For Hillsborough County:

Pioneer—Madison Post.

For Orange County:

Pioneer—Douglas Dummett.

For St. John's County:

Pioneer—R. B. Canova.

For Marion County:

Pioneer—E. D. Howse.

For Monroe County:

Pioneer—R. L. Hicks.

JAMES E. BROOME.

ch was read, and the nominations therein made were advised
consented to.

se bill to be entitled An act to legalize the proceedings of the
of Probate of St. Lucie County;

read the second time, and ordered for a third reading on to-
morrow.

se Bill to be entitled, An Act to prevent the abduction and es-
cape of Slaves from this State;

read the second time.

motion of Mr. Hopkins, the Senate resolved itself into a Com-
mittee of the Whole upon said Bill—Mr. Tracy in the Chair.

For some time spent therein, the Committee rose and through
their Chairman reported the Bill back to the Senate with sundry
amendments, and recommended its passage, and asked to be dis-
missed from the further consideration of the subject.

ch report was concurred in.

Bill, as amended, was read the second time, and the amend-

ordered to be engrossed for a third reading on to-morrow.

Bill to be entitled, An Act to locate the Seminary of Learning
established west of the Suwannee River in this State;

read the second time.

Myrick moved that the Bill be indefinitely postponed.

n which the yeas and nays were called for by Messrs. Gillis
and Nicholson, and were:

Yeas—Messrs. Brinson, Cone, Eppes, Filor, Gillis, Hopkins, My-
rick, Nicholson, Smith and Tracy—10.

Nays—Mr. President, Messrs. Bird, Criglar, Hawes, Kilcrease and
Nicholson—6.

aid Bill was indefinitely postponed.

A Bill to be entitled, An Act for the relief of Doctor William Wilson and Doctor Ethelridge Philips ;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled, An Act to amend an Act now in force in relation to the partition of Estates real and personal ;

Was read the first time and ordered for a second reading on to-morrow.

Mr. Cone moved that the Senate take a recess until 3 o'clock, M. ;

Upon which the yeas and nays were called for by Messrs. Hopkins and Gillis, and were :

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Myrick and Tracy—6.

Nays—Messrs. Bird, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Nicholson and Smith—10.

So the motion was lost.

A Bill to be entitled, An Act to amend the Fifth Section of Sixth Article of the Constitution of this State ;

Was read the first time and ordered for a second reading on to-morrow.

Engrossed Bill to be entitled, An Act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State, and for other purposes ;

Was read the third time.

On motion the rule was waived, and Mr. Myrick moved to strike out the two last sections of said Bill.

Upon which the yeas and nays were called for by Messrs. Long and Provence, and were :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Kilcrease and Myrick—10.

Nays—Messrs. Hawes, Hopkins, Long, Nicholson and Provence—5.

So the said sections were stricken out.

The Bill, as amended, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed Bill to be entitled, An Act to create a State Librarian

Came up on its third reading.

The rule was waived, and on motion of Mr. Hopkins, the Senate resolved itself into a Committee of the Whole for the consideration of the same—Mr. Provence in the Chair.

After some time spent therein the Committee rose, and through their Chairman reported the Bill back to the Senate with sundry amendments, and asked to be discharged.

Which report was concurred in.

The Bill, as amended, was read the second time, and ordered to be engrossed for a third reading on to-morrow.

se Bill to be entitled An Act to change the name and establish
 untly Site of St. Lucie County;
 e read the first time, and ordered to be read a second time on
 row.
 ill to be entitled An Act to change the time of holding Circuit
 of Calhoun County, with House amendment thereto;
 e up in order, and on motion of Mr. Myrick, was laid on the
 motion of Mr. Myrick, the Senate adjourned until to-morrow
 g, 10 o'clock.

FRIDAY, December 29, 1854.

Senate met pursuant to adjournment.
 Rev. Mr. Turner officiated as Chaplain.
 orum being present;
 motion of Mr. Tracy, the reading of the Journal of yesterday
 spensed with.
 following Bill, which had passed the Senate, was transmitted
 House of Representatives, viz:
 se Bill to be entitled, An Act to hold the Courts of Orange
 y at Mellonville.
 motion, the rule was waived, and Mr. Eppes permitted to in-
 e without previous notice a Bill to be entitled, An Act to repeal
 entitled An Act to restore the force and operation of the Gen-
 laws of this State, in relation to the Migration of Free Persons
 or into this State, approved December 15, 1854;
 ich was placed among the Orders of the Day.
 Cone presented the petition of ninety-four citizens of Colum-
 untly, praying for the establishment of a new County;
 ich was read.
 motion of Mr. Long, said petition was laid upon the table.
 Providence introduced a Resolution in regard to Copying the
 ;
 ich was placed among the Orders of the Day.
 Filor, from the Committee on Engrossed Bills, made the fol-
 Report:
 e Committee on Engrossed Bills have examined the following
 and find the same correctly engrossed:
 ill to be entitled An act to change the mode of compensating
 veral Solicitors or Prosecuting Attorneys of this State;
 ill to be entitled An act to create a State Librarian.
 Respectfully submitted,
 JAMES FILOR, Chairman.
 ich was read, and the Bills placed among the Orders of the

Mr. Brinson, from the Committee on Internal Improvements, made the following Report:

The Committee on Internal Improvements, to whom was referred the bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State, beg leave to

REPORT:

That they have examined said bill carefully, and coming to the conclusion as it does with the sanction and approval of the State Board of Internal Improvements, who have necessarily been enabled to bestow more time, labor, and research in maturing the details of the bill than your Committee have been able to do, they are and were disposed for that reason alone to give it a favorable consideration, but in addition thereto, they have been able to find nothing in the bill to object to. That the interests of the State seem to be carefully guarded and the Internal Improvement fund as fully secured against ultimate loss as is possibly consistent with the extension of any aid or assistance to the Internal Improvement of this State. The system of Internal Improvements encouraged by this bill is certainly a vast and liberal one, and one which, if put in complete and successful operation, would place the State far ahead of most of its sister States of the South. And your Committee, therefore, is not enabled to offer any substitute for the bill which would promise fairer to accomplish the grand object so desirable to all, or to suggest any amendments which would at the same time secure the State Fund against ultimate loss and render it available in developing the resources of the State.

We recommend the passage of the bill without amendment.

WILLIAM A. BRINSON, Chairman.

Which was read, and the Bill placed among the Orders of the Day.

Mr. Provence, from the Committee on Corporations, made the following Report:

The Committee on Corporations have had under consideration the Bill referred to them, entitled "An Act to incorporate a Bank in the City of Tallahassee," and respectfully

REPORT:

That they recommend that the following provision be added to Section 2d:

Provided, That the said Banking Corporation shall not be composed of less than twenty persons.

They recommend this provision because the 3d Section of the 13th Article of the Constitution, forbids the creation of any Banking Corporation "composed of a less number than twenty individuals."

The 7th Section, amongst other things, provides for and contemplates a subscription by the Comptroller for one-fifth of the capital stock of said Company, or in other words, one hundred thousand

to be paid from the School Fund of this State. Your Committee are not prepared to recommend such an investment of said fund for any part of it; especially when it, as a shareholder in said Bank, would be limited to the exercise of only the existing collectibilities of our laws. Your Committee regard the preservation of the School Fund as a matter of the highest and last importance, and they apprehend its preservation would be jeopardised if invested in a Bank that possessed only tardy and toilsome collecting facilities; therefore, your Committee recommend that everything in connection touching the School Fund be stricken out, and that the same be made to read as follows, viz:

7. *Be it further enacted, That so soon as the books of subscription to the Capital Stock of said Bank shall have been closed, it shall be the duty of the aforesaid Commissioners to give public notice thereof in one of the newspapers printed in the city of Tallahassee, in which notice they shall designate the day upon which the first instalment upon said Capital will become payable; and the Commissioners shall, at the same time and in the same manner, give notice, at a day, at least twenty days from the date of such notice, on which the Stockholders of said Bank are to meet in Tallahassee, for the purpose of electing thirteen Directors for the purpose of conducting the business of said Bank; and it shall moreover be the duty of said Commissioners to take the necessary measures for procuring the necessary measures, books, plates, &c., for the operations of said Bank; and at the meeting of the Stockholders, it shall be lawful for them to proceed immediately to the election of the Directors aforesaid, and a plurality of the votes shall be required to make an election; and the Directors then elected shall be capable of serving, by virtue of such election and appointment, until the first Monday in January next ensuing the time of such election, and shall receive from the Commissioners the monies which may have been received by them, together with all books, &c., belonging to said Bank, and shall take the necessary measures to put the said Bank into operation, so soon as the sum of one hundred and twenty-five thousand dollars shall have been paid in by the Stockholders; and the Stockholders shall, on the first Monday in January as aforesaid, and annually on the same day thereafter, hold an election for Directors of said Bank, in the city of Tallahassee, and it shall be the duty of said Directors, at their first meeting subsequent to their election, to choose one of their number as President; and if it should at any time happen that an election for Directors should not be made upon the day when, pursuant to this act, it ought to have been made, the Corporation for that cause shall nevertheless be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of Directors, in such manner as may have been directed by the laws and ordinances of said Corporation, and the Directors for the time being shall in all cases continue*

to act until their successors are elected and appointed; and in case of the death, resignation, or absence from the State of a Director, his place may be filled for the remainder of the year by a new election to be made by the remaining Directors.

Your Committee recommend that Rule IX of said Bill be amended with the following provision, viz:

Provided, That all real estate and chattels acquired, and which are not necessary for actual use in the transaction of business, shall be sold within two years after acquisition.

Your Committee recommend the above provision as required by the 5th Section of the 13th Article of the Constitution.

Rule XI of said Bill provides that the debts which the Corporation shall owe at any time, shall not exceed three times the amount of the Capital Stock actually paid in, &c.

The Constitution, Section 7, Article 13, prevents any Bank from contracting debts and liabilities exceeding twice or double the amount of the Capital Stock, actually paid in; therefore your Committee recommend that rule 11 of said Bill shall read as follows, viz:

RULE XI.—The total amount of debts which said Corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed double the amount of capital actually paid in, over and above the money then actually deposited in the Bank for safe keeping, and increase of excess.

Rule 18 provides that the Corporation shall continue and exist until the first day of January, A. D. 1880, which is a period exceeding twenty years.

The Constitution, Section 4, Article 13, provides that no Bank Charter shall exist exceeding twenty years. Your Committee, to relieve this Rule from this Constitutional objection, recommend that it shall be altered so as to read as follows, viz:

RULE XVIII.—The Corporation shall exist and continue until the first day of January, one thousand eight hundred and seventy-five; but the proprietors of two-thirds of the Capital Stock of the Corporation may, by their concurring vote, at a general meeting, to be called for that purpose, dissolve the same at any prior period: *Provided*, That notice of such meeting, and of its object, be published in one of the newspapers of Tallahassee for at least six months previous to the time appointed for such meeting; and immediately after the dissolution of said Corporation, effectual measures shall be taken by the Directors last appointed and acting, for closing all the concerns of the Corporation, and for dividing the Capital Stock and profits which may then remain, among the Stockholders, according to their respective interests.

In conclusion, your Committee recommend that that portion of said Bill entitled "An Act to provide for the investment of a portion of the Common School Fund by the Comptroller of this State, and for other purposes," be stricken out.

the foregoing amendments, your Committee recommend the
of the Bill.

Respectfully submitted,

D. PROVENCE, Chairman.

h was read, and the Bill placed among the Orders of the

Hopkins, from a Select Committee, made the following Re-

Select Committee to whom was referred "A Bill to be enti-
Act to define the Boundary Lines of Duval and Nassau
es," beg leave to

REPORT:

they have had the same under consideration, and on examina-
d no such boundaries as are described in the Bill before us,
e Counties, but on the contrary, find the boundary lines of
County described on page 12 of "Thompson's Digest," and
onding with the boundaries of Columbia County as described
e 15 of the same work—which boundaries, as your Commit-
ee, have been unquestioned for the last twenty-seven years.
Committee further state that no evidence is before them that
nsiderable portion of the citizens of either County have sought
nge contemplated in the Bill before us, and as the success of
would cut off from thirty thousand to fifty thousand acres
e County of Nassau, they therefore recommend that said Bill
pass.

Respectfully submitted,

EDWARD HOPKINS,

Chairman.

ch was read, and the Bill placed among the Orders of the

following message was received from the House of Repre-
ves:

HOUSE OF REPRESENTATIVES, }
December 29, 1854. }

President of the Senate:

—The following Bills and Resolutions have passed the House,

ill to be entitled, An Act concerning the Retailing of Spirit-
Liquors;

ill to be entitled, An Act to provide for the appointment of
tors of Tar and Turpentine in this State;

olution in relation to Mail Routes;

ate Bill to be entitled, An Act to amend an Act entitled An
permanently fix the Election Precincts in the County of Co-
, and to repeal certain Acts therein named, approved January

1853;

28 S

Senate Bill to be entitled, An Act to prevent White Persons Gaming with Negroes or other Persons of Color;

Senate Resolutions in relation to the Improvement of St. John's Bar and the preservation of the Site of St. John's Light House.

The following Bills have been indefinitely postponed by the House viz:

Senate Bill to be entitled, An Act to Regulate the Performance of the Duties of the Supreme Court of this State, and to change the time and place for holding the Terms thereof;

Senate Bill to be entitled, An Act to Abolish the Office of Surveyor, Engineer and Geologist.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representative

Which was read.

Ordered that the Senate Bills and Resolution be enrolled, and House Bills placed among the Orders of the Day.

Also the following:

HOUSE OF REPRESENTATIVES,
December 29, 1854.

Hon. President of the Senate:

SIR:—The House has refused to recede from the House Amendment to Senate Bill to Consolidate the Offices of Sheriff and Assessor and Collector of Jackson County, and has appointed Messrs. Galbraith, Neel and Parsons a Committee of Conference to act with a similar Committee on the part of the Senate in regard to said Amendments.

The House has also refused to recede from the House Amendment to Senate Bill to be entitled An Act governing Judges of Probate in certain cases, and Messrs. Pope, Dell and Fennell have been appointed by the House a Committee of Conference to act with a similar Committee on the part of the Senate in regard to said Amendment.

Senate Bill to be entitled, An Act in relation to Slaves and Persons of Color, with amendments, has been indefinitely postponed.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representative

Which was read.

ORDERS OF THE DAY.

House Bill to be entitled, An Act to provide for the relinquishment to the United States, in certain cases, of the Title to and Jurisdiction over Lands for Sites of Light Houses, and for other purposes on the Coast and Waters of this State;

Was read the third time as amended, and upon the question of passage the vote was:

—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, and Tracy—16.

—Mr. Myrick—1.

The Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives. The Bill to be entitled, An Act to change the periods now fixed for the Payment of Taxes, and for the Settlement of Tax

ors;

read the third time, and upon the question of its passage the

as :
—Messrs. Brinson, Cone, Gillis, Hopkins and Kilcrease—5.

—Mr. President, Messrs. Criglar, Eppes, Filor, Hawes, Long, Nicholson, Provence, Smith and Tracy—11.

The Bill was lost.

Ordered that the same be certified to the House of Representatives. The Bill to be entitled, An Act to prevent the Abduction and of Slaves from this State;

read the third time as amended, and upon the question of its the vote was :

—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, and Tracy—17.

s—None.

The Bill passed as amended, title as stated.

Ordered that the same be certified to the House of Representatives. The Bill to be entitled, An Act to amend an Act concerning and Highways, now in force in this State;

read the third time, and upon the question of its passage the as :

—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Kilcrease, Nicholson, Provence, Smith and Tracy—15.

s—None.

The bill passed, title as stated.

Ordered that the same be certified to the House of Representa-

se Bill to be entitled, An Act to change the name and establish County site of St. Lucie County ;

read the second time and ordered for a third reading on to-

v.

The Bill to be entitled, An Act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola ;

read the third time, and upon the question of its passage the as :

—Mr. President, Messrs. Bird, Brinson, Eppes, Filor, Gillis,

Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith Tracy—14.

Nays—Messrs. Cone and Criglar—2.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Resolution asking Congress to amend the law in reference to establishment of two Seminaries of Learning in this State, and other purposes;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

House Resolution making appropriations for repairs on the Capitol.

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Criglar, Filor, Hawes, Long, Myrick, Nicholson and Tracy—9.

Nays—Messrs. Brinson, Cone, Eppes, Hopkins and Smith—5.

So the resolution passed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, An Act to legalize the proceedings of the Judge of Probate of St. Lucie County;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Cone, Criglar, Filor, G. Hawes, Hopkins, Long, Smith and Tracy—11.

Nays—Messrs. Myrick and Nicholson—2.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled, An Act for the relief of Doctor William Wilson and Doctor Etheldridge Philips;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An Act to amend an Act now in force in this State, in relation to the partition of Estates real and personal.

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An Act to amend the Fifth Section of the Sixth Article of the Constitution of this State;

Was read three times as on its first reading, the rule waived, on motion of Mr. Long, it was referred to the Committee on Revision of the Constitution.

On motion, the rule was waived, and Mr. Smith from the Committee on Claims and Accounts made the following report:

The Committee to whom was referred "A Bill to be entitled

the Relief of William R. Hayward and others," through their
man

REPORT :

that they have no information which would cause them to change
report as adopted by the House of Representatives, and recom-
mend the passage of the Bill.

JAMES W. SMITH,

Chairman Committee on Claims and Accounts.

which was read, and the bill placed among the orders of the day.
the following :

Committee to whom was referred " A Resolution relative to
compensation of the Clerk in the Office of Comptroller of Pub-
lic Accounts," through their Chairman

REPORT :

that they find no reason why such extra compensation should be
allowed, there being a fixed salary allowed him by Law, and there being
no compulsion on his part to act as such Clerk if he is not satisfied
with the salary. They are aware that as a general rule in such ca-
ses Clerks do the principal labor while the Principal receives the
salary and to avoid all difficulty hereafter would recommend the sala-
ry of the Comptroller be so amended that he shall employ his own
time out of his salary. They recommend that the bill under consid-
eration do not pass.

Very respectfully,

JAMES W. SMITH,

Chairman Committee on Public Accounts.

which was read, and the Resolution placed among the orders of
the day.

Bill to be entitled An act to repeal an act entitled an act to re-
peal the force and operation of the General Laws of this State in
relation to the migration of free persons of color into this State, ap-
proved December 15th, 1854 ;

was read the first time, the rule waived, and said Bill read a sec-
ond time by its title.

Mr. Filor moved to amend said bill by adding the following Sec-

4. *Be it further enacted*, That the rights and privileges of
free persons of color be extended to the Counties of Monroe, Duval and Escambia
in all respects and purposes as though the said Counties had been named
together with the City of Apalachicola ;"

which was adopted.

The bill as amended, was then read the second time, and ordered
to be engrossed for a third reading on to-morrow.

A resolution in relation to copying the Laws ;

Was read the first time, and ordered for a second reading on morrow.

Engrossed bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of the State;

Was read the third time, and upon the question of its passage, vote was:

Yeas—Mr. President, Messrs. Cone, Criglar, Hopkins, Long, Myrick, Smith and Tracy—8.

Nays—Messrs. Bird, Eppes, Gillis, Hawes and Nicholson—5.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed bill to be entitled An act to create a State Library.

Was read the third time, and upon the question of its passage, vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Long and Nicholson—11.

Nays—Messrs. Hopkins, Myrick, Smith and Tracy—4.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Resolution in relation to mail routes;

Was read the first time, and ordered for a second reading on morrow.

House bill to be entitled An act concerning the retailing of Spurious Liquors;

Was read the first time, the rule waived, and said bill read the second time, and on motion of Mr. Hopkins, the Senate resolved itself into a Committee of the Whole for the consideration of the said bill. Mr. Tracy in the Chair.

After some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate with the Section stricken out, and asked to be discharged;

Which report was concurred in and the Committee discharged.

On motion of Mr. Long, a Bill to be entitled An Act authorizing Anderson J. Peeler to practice law in the several Courts of this State was taken from the table, and placed among the orders of the day.

House Bill to be entitled An Act to provide for the appointment of Inspectors of Tar and Turpentine in this State;

Was read the first time, the rule waived, and said Bill read a second time by its title.

On motion the Senate resolved itself into a Committee of the Whole for the consideration of said Bill—Mr. Hawes in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported progress, and asked leave to sit again.

Which report was received.

motion, said Bill was laid on the table, and 75 copies ordered printed.

motion, the rule was waived, and Mr. Kilcrease permitted, with previous notice, to introduce a Bill to be entitled An Act to subdivide Gadsden County;

which was placed among the orders of the day.

The Bill to be entitled An Act to define the boundary lines of Gadsden and Nassau Counties;

read the third time.

motion of Mr. Hopkins, said Bill was indefinitely postponed.

ordered that the same be certified to the House of Representatives.

The Bill to be entitled An Act for the relief of William R. Hay and others;

read the third time, and upon the question of its passage the yeas and nays were taken—

—Mr. President, Messrs. Bird, Eppes, Filor, Kilcrease, Long, Nicholson, Provence, Smith and Tracy—11.

—Messrs. Criglar and Gillis—2.

The Bill passed—title as stated.

ordered that the same be certified to the House of Representatives.

A Resolution relative to extra compensation of the Clerk in the office of the Comptroller of Public Accounts;

read the third time, and upon the question of its passage the yeas and nays were taken—

—Messrs. Brinson, Long, Nicholson and Provence—4.

—Mr. President, Messrs. Bird, Cone, Criglar, Eppes, Filor, Myrick, Smith and Tracy—10.

The Resolution was lost.

ordered that the same be certified to the House of Representatives.

The Bill to be entitled An Act to consolidate the offices of Sheriff and Assessor and Collector of Jackson County, with House amendments, in which the Senate had refused to concur;

read up in order, and on motion said bill and amendments were laid on the table.

The Bill to be entitled An Act governing Judges of Probate in certain counties, with House amendments, in which the Senate had refused to concur;

read up in order, and on motion a Committee, consisting of Messrs. Hopkins, Gillis and Long, were appointed to confer with a Committee on the part of the House relative to said amendments.

The Bill to be entitled An Act to admit Anderson J. Peeler to practice law in the several Courts of this State;

read up on its second reading.

Mr. Provence moved that the first Section of said Bill be amended as follows:

Strike out all after the word "provided," in the fifth line, and insert in lieu thereof the words "if he should be found qualified according to the manner and form now prescribed by law."

Which was adopted, and the amendment ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled An Act to sub-divide Gadsden County;

Was read the first time, the rule waived, read a second and third times, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Epperson, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Myrick, Nicholson, Provence, Smith and Tracy—17.

Nays—None.

So said bill passed.

On motion of Mr. Long the title of said bill was amended striking out the words "to sub-divide Gadsden County," and inserting in lieu thereof the words "in relation to the election of County Commissioners in Gadsden County."

Ordered that the passage of said bill be certified to the House of Representatives.

On motion of Mr. Brinson, the Senate took a recess until 3 o'clock P. M.

3 O'CLOCK, P. M.

The Senate resumed its session.

A quorum not being present, on motion of Mr. Tracy, a call of the Senate was ordered, when the following members answered their names, viz:

Mr. President, Messrs. Bird, Brinson, Hawes, Hopkins, Myrick, Nicholson, Smith and Tracy—9.

On motion, the Sergeant-at-Arms was directed to request the attendance of absent members.

The President announced that a quorum was present.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
December 29, 1854.

Honorable President of the Senate:

SIR:—The House has passed the following Bill:

A Bill to be entitled An Act to provide for and encourage a liberal system of Internal Improvements in this State.

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives

ch was read, and said bill placed among the orders of the day.
 se Bill to be entitled, An Act to provide for and encourage a
 system of Internal Improvements in this State;
 e up on its first reading.

motion of Mr. Long the rule was lived, and the bill read the
 d second times by its title.

motion the Senate resolved itself into a Committee of the
 for the consideration of said bill—Mr. Hawes in the chair.
 r some time spent therein, the Committee rose and through
 chairman reported progress, and asked leave to sit again;
 ch was concurred in.

motion of Mr. Provence, the use of the Senate Chamber was
 o Dr. Crane, for the purpose of delivering a lecture this eve-

motion, the Senate adjourned until to-morrow morning, 10

SATURDAY, December 3 1854.

Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.
 orum being present, on motion of Mr. Trinson, the reading of
 urnal of yesterday was dispensed with.

following Bills and Resolutions which had passed the Senate
 nnsmitted to the House of Representatives, viz:

ll to be entitled, An Act to create a State Librarian;
 ll to be entitled, An Act to change the mode of compensa-
 e several Solicitors or Prosecuting Attorneys of this State;
 ll to be entitled, An Act in relation to the election of Coun-
 missioners in Gadsden County;
 se Bill to be entitled, An Act for the regulation of Pilots and
 e of the Bay and Harbor of Pensacola;
 se Bill to be entitled, An Act for the relief of William R.
 rd and others;
 se Bill to be entitled, An Act to legalize the proceedings of
 ge of Probate of St. Lucie County;
 se Bill to be entitled, An Act to amend an Act concerning
 and Highways now in force in this State;
 se Bill to be entitled, An Act to provide for the relinquishment
 United States in certain cases, title to, and jurisdiction over
 or sites of Light Houses, and for other purposes, on the coast
 ters of this State, with enclosed amendment;
 se Bill to be entitled, An Act to prevent the abduction and es-
 of Slaves from this State, with enclosed amendments; and
 se Resolution making appropriations for repairs on the Capi-

The President announced that the appropriation made for stationery for the use of the Senate was exhausted.

On motion of Mr. Try the Secretary was authorized to purchase such stationery as the Senate should require for the balance of the session.

Mr. Filor from the Committee on Engrossed Bills made the following Report:

The Committee on Engrossed Bills have instructed the undersigned to report the following Bills and Resolution as correctly engrossed:

A Bill to be entitled an Act to repeal an act to restore the form and operation of the General Laws of this State in relation to the Migration of Free Persons of Color into this State, approved December 15, 1854;

A Bill to be entitled an Act for the Relief of Dr. William S. Benson and Dr. Phillips;

A Bill to be entitled an Act to amend an act now in force in relation to the Partition of Estates, Real and Personal;

A Resolution asking Congress to amend the Law in reference to the establishment of Seminaries of Learning in this State, for other purposes.

Respectfully submitted,

JAMES FILOR,
Chairman

Which was read and the Bills placed among the orders of the day.
The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
December 29, 1854.

Hon. President of the Senate:

SIR:—The House has passed enclosed Resolution relating to Copying the Law of the present Session.

The House has ordered the printing of seventy-five copies of a Bill to be entitled an Act in relation to the selection of Grand and Petit Jurors.

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives

Which was read and the Resolution placed among the orders of the day.

ORDERS OF THE DAY.

House Bill to be entitled, An act to provide for and encourage a liberal system of Internal Improvements in this State;

Was, on motion of Mr. Tracy, taken up first in order.

On motion, the Senate again went into Committee of the Whole for the further consideration of said bill—Mr. Hawes in the chair.

After some time spent therein the Committee rose and through Chairman reported the Bill back to the Senate with sundry amendments, and recommended its passage.

Which report was concurred in.

Mr. Long moved to amend the 5th Section by inserting the words "portion of whose."

Which was adopted.

Mr. Long also offered the following :

To amend Section 5, third line, by striking out the word "indicated" and insert the word "authorized."

To amend third line by inserting the words "and amend thereto" after the word "charters," and before the word "shall." Which amendment was agreed to.

Mr. Long moved to amend the Sixth Section, 15th line, by adding the word "post" the word "live";

Which amendment was agreed to.

To amend the 30th line, Sixth Section, after the words "tariff" and "for transportation of passengers and";

To amend at the end of 31st line, same Section, insert "and no deduction shall be made by one Company against the freight or charges of another Company";

To amend Twenty-third Section, by adding at the end of the line the following words, viz : "but not if he be in arrears for more than a quarter's compensation to such Company";

Which several amendments were agreed to and ordered to be amended.

The Bill as amended was made the special order of the day for the next day next.

On motion, the rule was waived and Mr. Smith permitted, according to previous notice, to introduce a Bill to be entitled An Act to amend the Limitation of Merchants' Accounts in this State;

Which was received and placed among the Orders of the Day.

A resolution in regard to Copying the Laws;

Was read the second time.

On motion of Mr. Hawes, the following amendment was offered to the Resolution, viz :

To strike out all after the word "for," in the 10th line of said Resolution, and insert "the sum of one hundred and seventy-five dollars";

Which amendment was agreed to.

Resolved that the same be engrossed for a third reading on Monday next.

The Bill to be entitled, An Act to Incorporate a Bank in the city of Nashville;

Was read up on its second reading.

On motion the Senate went into Committee of the Whole upon the Bill—Mr. Tracy in the chair.

After some time spent therein the Committee rose and through Chairman reported progress, and asked leave to sit again.

Which report was concurred in.

On motion of Mr. Eppea, the Senate adjourned until 10 o'clock Monday next.

MONDAY, January 1, 1855.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chairman.

A quorum being present;

On motion of Mr. Brinson, the reading of the Journal of Saturday was dispensed with.

Pursuant to previous notice, Mr. Hawes introduced a Bill to entitled An Act granting aid to the County of Putnam to build Court House and Jail;

Which was placed among the Orders of the Day.

Mr. Cone presented a Petition from citizens of Columbia County in relation to the Claim of William Rawlerson and Ransom Foster of horses in the Service;

Which was read.

On motion of Mr. Cone, the Petition was referred to the Committee on Claims and Accounts.

Mr. Provence presented a Memorial from M. Whit Smith, in relation to the Estate of William Crawford;

Which was read.

On motion of Mr. Provence, the Memorial was referred to the Committee on Claims and Accounts.

The following Message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, December 29, 1854.

HON. H. V. SNELL,

President of the Senate :

SIR :—I have approved and signed the following Senate Bill:

An Act to repeal Section Four of an Act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 1853;

An Act in relation to a Road Tax in the Counties of Putnam and Marion;

An Act to establish a Ferry at Brown's Ferry, in Jackson County;

An Act to allow the Supreme and Circuit Courts of this State to hold Extra Terms, &c.;

An Act to enforce the Laws against Violations of the Sabbath Day in Monroe County;

An Act for the Relief of Doctor C. A. Hentz;

An Act in relation to Evidence.

Respectfully,

JAMES E. BROOM

which was read.

Long, from the Committee on Enrolled Bills, made the following Report :

Committee on Enrolled Bills have examined and report as controlled the following :

Act to authorize the drainage of Alachua Savannah ;
 Act to amend An Act entitled An Act to permanently fix the Precincts in the County of Columbia, and to repeal certain therein named, approved January 8, 1853 ;
 Act to empower Charles H. Longworth, of Gadsden County, to dispose of his own estate ;
 Act to amend An Act in relation to Pilotage at the Port of Mobile ;
 Act to authorize William Webb to establish a Ferry across Escambia Bay ;
 Act to authorize Thomas H. Willis, of Leon County, a minor, to manage the management of his own estate ;
 Act to prevent white persons from gaming with negroes, or persons of color ;
 Resolution in relation to a Mail Route from Tallahassee, via Sopchoppy, in Wakulla County, to White Bluff, or Pickettsville, at the mouth of Crooked River, on the Apalachicola Bay.

Respectfully submitted,

M. A. LONG,

Chairman Committee on Enrolled Bills.

which was read.

Eppe, from the Committee on Revision of the Constitution, made the following Report ;

Committee on Revision of the Constitution, to whom was referred a Bill to be entitled, An Act to amend the Fifth Section of the Sixth Article of the Constitution of this State, have had the same under consideration, and instructed the undersigned to report the bill back to the Senate and recommend its passage.

T. J. EPPE, Chairman.

which was read, and the Bill placed among the Orders of the

Hopkins, from the Committee on Taxation and Revenue, made the following Report :

Committee on Taxation and Revenue, who were instructed to report into the expediency of reducing the Tax on Saw-Mills, beg to report, that in their opinion the present tax on saw-mills is too high, and recommend that it be reduced to ten cents on every dollar's value of such property.

Respectfully submitted,

EDWARD HOPKINS, Chairman.

which was read, and the Bill placed among the Orders of the

Mr. Hopkins from the Committee on Propositions and Grievances made the following report:

The Committee on Propositions and Grievances, to whom was referred the Petition of Thomas E. Harvin,

REPORT:

Up to this date the statement made therein remains wholly unsubstantiated by other testimony, therefore, the Committee return the Petition and accompanying papers back to the Senate, and ask to be discharged.

EDWARD HOPKINS, Chairman

Which was read.

Mr. Hopkins from the Committee on Conference made the following report:

The Joint Select Committee to whom was referred An Act governing Judges of Probate in certain cases, have agreed to

REPORT:

That they have examined the same and concur in the two sections of said bill as amended by the House, striking out the following. Respectfully submitted,

EDWARD HOPKINS, Chairman

Which was read and the bill placed among the orders of the day.

Mr. Filor from the Committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills have examined a Resolution relative to copying the Laws of the present Session, and find the same correctly engrossed.

Respectfully submitted,

JAMES FILOR, Chairman

Which was read and the Resolution placed among the orders of the day.

ORDERS OF THE DAY.

House Resolution in relation to Mail Route;

Was read the second time.

Mr. Brinson moved to amend the same by adding the following resolution:

Be it further resolved, That our Senators be instructed and our Representative be requested, to procure from Congress an extension of the Post Route now established from Stillpica, in Madison County, to Fimbolloway, as far as to Spring Warrior, and that they upon the proper department the necessity of establishing the Post Route from Madison Court House via Cook's Hammock, Troy, Eton, Old Town, to Clay Landing in Levy County.

which was adopted and the amendment ordered to be engrossed third reading on to-morrow.

House Bill to be entitled, An Act to change the name and establish the County of St. Lucie;

as read the third time, and upon the question of its passage the was :

as—Mr. President, Messrs. Bird, Brinson, Criglar, Eppes, Fillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, and Tracy—15.

ys—Mr. Cone—1.

said Bill passed—title as stated.

dered that the same be certified to the House of Representa-

House Bill to be entitled, An Act concerning Spirituous Liquors;

me up on its second reading.

motion of Mr. Hopkins the same was indefinitely postponed.

dered that the same be certified to the House of Representa-

grossed Resolution asking Congress to amend the law in reference to the establishment of two Seminaries of Learning in this State for other purposes;

as read the third time, and upon the question of its passage, the was :

as—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Hopkins, Long, Myrick, Provence, Smith and Tracy—13.

ys—Messrs. Hawes and Nicholson—2.

the Resolution passed.

dered that the same be certified to the House of Representa-

grossed Bill to be entitled, An Act to amend an Act now in relation to the partition of Estates real and personal;

as read the third time, and upon the question of its passage the was :

as—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, ins, Long, Myrick, Nicholson, Provence, Smith and Tracy—13.

ys—None.

said Bill passed, title as stated.

dered that the same be certified to the House of Representa-

grossed Bill to be entitled, An Act for the relief of Doctor Wil- S. Wilson and Doctor Philips;

me up on its third reading.

a motion the rule was waived and Mr. Provence moved to add following amendments to the same, viz :

Doctor R. H. Shaffer his account for fifty dollars, William A. son one hundred and twenty-five dollars, John H. Pope twenty-dollarz and E. H. McDonald twenty-five dollars."

Which was adopted.

On motion of Mr. Provence, the rule was waived and the Bill referred to the Committee on Claims and Accounts.

Engrossed Bill to be entitled, An Act to repeal an Act entitled Act to restore the force and operation of the general laws of State, in relation to the migration of Free Persons of Color into State, approved December 15th, 1854;

Came up on its third reading.

On motion, the rule was waived, and Mr. Hopkins moved to amend the Fourth Section by striking out the words "Duval and Eschbia";

Which was adopted.

The Bill as amended was read the second time and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled An Act to extend the Limitation of Merchants' Accounts in this State;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled An Act granting aid to the County of Franklin to build a Court House and Jail;

Was read the first time, the rule waived, read the second time on its title, and on motion of Mr. Hawes, referred to the Committee on Propositions and Grievances.

House Resolution relative to Copying the Laws of the present Session;

Was read the first time, the rule waived and read the second time.

Mr. Hopkins moved to amend the Resolution by striking out the words "same compensation," in the 6th line, and inserting the words "sum of one hundred and seventy-five dollars" in lieu thereof;

Also strike out all of the words after the word "service," in the 7th line;

Which was adopted, and the amendment ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled An Act to amend the Fifth Section of the Sixth Article of the Constitution of this State;

Was read three times as on its second reading.

Mr. Long moved its indefinite postponement;

Upon which the yeas and nays were called for by Messrs. Tracy and Provence, and were:

Yeas—Mr. President, Messrs. Bird, Gillis, Hawes, Hopkins, L. Nicholson and Tracy—8.

Nays—Messrs. Brinson, Cone, Myrick, Provence and Smith—
So the Bill was indefinitely postponed.

Engrossed Resolution relative to Copying the Laws of the present Session;

Was read the third time, and upon the question of its passage the vote was:

—Messrs. Bird, Cone, Hopkins, Myrick, Nicholson and
ce—6.

—Mr. President, Messrs. Brinson, Criglar, Hawes, Smith and
—5.

he Resolution passed.

ered that the same be certified to the House of Representa-

se Bill to be entitled An Act to admit Anderson J. Peeler to
e Law in the several Courts of this State;

s read the third time as amended, and on the question of its
e the vote was:

s—Messrs. Bird, Brinson, Criglar, Hawes, Long, Myrick,
son and Tracy—8.

s—Mr. President, Messrs. Cone, Hopkins, Provence and
—5.

he Bill passed as amended, title as stated.

ered that the same be certified to the House of Representa-

ill to be entitled An Act to Amend the Revenue Act concern-
w Mills;

s read the first time, and ordered for a second reading on to-
w.

Bill to be entitled An Act governing Judges of Probate in cer-
ases, with House amendment;

ne up in order.

motion of Mr. Hopkins, the amendments proposed by the
mtee of Conference to whom it had been referred, were con-
in.

ered that the same be certified to the House of Representa-

e following message was received from the House of Repre-
atives:

HOUSE OF REPRESENTATIVES, }
January 1, 1855. }

President of the Senate :

:—The following Bills and Resolutions have passed the House,

Bill to be entitled An Act to Organize the County of Manatee;

Bill to be entitled An Act for the Relief of Purchasers of Swamp
Internal Improvement Lands from the United States;

Bill to be entitled An Act to extend Political Equality to Igna-
alez and others;

olution to bring on the Election of State Officers;

amble and Resolutions asking Congress to grant to the County
llsborough the Military Reserve, embracing Fort Brooke, for a

mercial Railroad Depot;

Resolution asking Congress to grant to the several Counties Sixteenth Sections within their limits.

The House has concurred in Senate amendment to House Bill be entitled An Act to amend the Act Incorporating the City of Saint Augustine, approved 4th February, 1833.

Senate Bill to be entitled An Act in relation to the Institution of Suits before Justices of the Peace in Santa Rosa County, has been lost in the House.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives

Which was read, and the House Bills and Resolutions ordered to be placed among the Orders of the Day.

House Resolution to bring on the Election of State Officers

Was read the first time and ordered for a second reading on tomorrow.

House Resolution asking Congress to grant to the several Counties the Sixteenth Sections within their limits;

Was read the first time and ordered for a second reading on tomorrow.

House Bill to be entitled, An Act to organize the County of Santa Fe;

Was read the first time, the rule waived, the bill read the second time, and on motion was referred to the Committee on Census and Apportionment.

House Resolutions asking Congress to grant to the County of Santa Fe, a Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot;

Were read the first time, the rule waived, the Resolutions read the second and third time, and upon the question of their passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Hopkins, Long, Myrick, Nicholson, Provence, Smith and Tracy.
Nays—None.

So the Resolutions passed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, An Act to extend political equality to Ignatio Phalez and others;

Was read the first time.

On motion of Mr. Hopkins the rule was waived, and the bill read the second time by its title, and referred to the Committee on Judiciary.

House Bill to be entitled, An Act for the relief of purchase of Swamp or Internal Improvement Lands from the United States.

Was read the first time and ordered for a second reading on tomorrow.

On motion of Mr. Long, House Bill entitled An Act to provide

appointment of Inspectors of Tar and Turpentine in this was taken from the table and placed among the orders of the

motion of Mr. Hopkins, the Senate resolved itself into a Committee of the Whole for the consideration of the same—Mr. Hawes in the chair.

After some time spent therein, the Committee rose and through the chairman reported the bill back with an amendment, and asked that it be discharged.

It was concurred in, and the bill as amended read the second time by its title, and upon the question of its passage the yeas and nays were taken:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Hawes, Myrick, Nicholson, Provence, Smith and Tracy—12.

Nays—Mr. Hopkins—1.

The said Bill passed as amended—title as stated.

Resolved that the same be certified to the House of Representatives.

On the motion of Mr. Long, the Senate adjourned until to-morrow morning, A. M.

TUESDAY, January 2, 1855.

Senate met pursuant to adjournment.

Mr. Turner officiated as Chaplain.

Quorum being present;

On the motion of Mr. Tracy, the reading of the Journal was dispensed with.

The following Bills and Resolutions which had passed the Senate, were transmitted to the House of Representatives, viz:

1. A Bill to be entitled An Act to amend an Act now in force in relation to the Partition of Estates, Real and Personal;

2. A Bill to be entitled An Act to change the name and establish the County Site of St. Lucie County;

3. A Bill to be entitled An Act to admit Anderson J. Peeler to practice Law in the several Courts of this State, with enclosed petition;

4. A Bill to be entitled An Act to provide for the appointment of Inspectors of Tar and Turpentine in this State, with enclosed petition;

5. A Resolution asking Congress to amend the Law in reference to the establishment of two Seminaries of Learning in this State, and for other purposes;

6. A Resolution relative to Copying the Laws of the present Session; and

7. A Bill and Resolutions asking Congress to grant to the County

of Hillsborough the Military Reserve, embracing Fort Brooke, the Commercial Railroad Depot.

On motion, the rule was waived and Mr. Nicholson permitted to introduce, without previous notice, a Bill to be entitled An Act to authorize Gregory Yncistra and F. B. Bobe to establish a Wharf in the City of Pensacola ;

Also a Bill to be entitled An Act to authorize Celestino Gomez to establish a Wharf in the City of Pensacola ;

Which Bills were placed among the orders of the day.

On motion, the rule was waived, and Mr. Long permitted to introduce, without previous notice, a Bill to be entitled An Act to incorporate the Tallahassee and Georgia Plank Road Company ;

Which was read and placed among the orders of the day.

Mr. Filor from the Committee on Engrossed Bills made the following report :

The Committee on Engrossed Bills have examined a Bill to be entitled, An Act to repeal an Act entitled an Act to repeal the force and operation of the General Laws of this State, in relation to the migration of Free Persons of Color into this State, approved December 15, 1854, and find the same correctly engrossed.

Respectfully submitted,

JAMES FILOR, Chairman.

Which was read and the Bill placed among the orders of the day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,
January 2, 1855.

Honorable President of the Senate :

SIR :—The following Bills have passed the House, viz :

A Bill to be entitled An Act to amend an Act entitled an Act to raise a revenue for the State of Florida, and defining the duties of Collectors and Assessors thereof, approved July 24, 1845 ;

A Bill to be entitled An Act to prevent planting without a fence in Walton County ;

A Bill to be entitled An Act to authorize Benjamin Marsh to charge Wharfage in the town of Milton ;

A Bill to be entitled An Act to regulate Pilotage on the Bar of the River St. Johns ;

Senate Bill to be entitled An Act explanatory of the several Acts in relation to the migration of Negroes or Free Persons of Color into the Key West ;

Senate Bill to be entitled An Act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County ; and

Senate Bill to be entitled An Act in relation to the election of County Commissioners in Gadsden County.

The House has indefinitely postponed Senate Bill to be entitled

repeal an Act entitled an Act to amend the several Acts concerning Licenses to retail Spirituous Liquors ;

House has concurred in Senate amendment to House Bill to amend An Act to provide for the relinquishment to the United States in certain cases, title to and jurisdiction over lands for sites of Houses and for other purposes, on the coast and waters of the State.

House has refused to concur in Senate amendments to House Bill to be entitled An Act to prevent the abduction and escape of fugitives from this State.

House has ordered the printing of 75 copies of the following Resolutions :

Bill to be entitled An Act to amend the Act amendatory of the Acts to organize the Supreme Court of Florida ; and

Bill to be entitled An Act to amend an Act incorporating the Florida and Georgia Railroad Company, approved December 13,

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

which was read and the House Bills placed among the orders of the day, and the Senate Bills which had passed both Houses were ordered to be enrolled.

ORDERS OF THE DAY.

House Bill to be entitled, An Act to provide for and encourage a system of Internal Improvements in this State ;

read the third time as amended.

Eppes moved that the bill be recommitted to a Committee ; which motion was lost.

On the question of its passage the vote was :

Ye—Mr. President, Messrs. Bird, Briunson, Cone, Criglar, Eppes, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Smith and Tracy—15.

Nays—Messrs. Gillis and Myrick—2.

The Bill passed—title as stated.

Resolved that the same be certified to the House of Representatives.

House Resolution in relation to Mail Routes ;

read the third time as amended, and upon the question of its passage the vote was :

Ye—Messrs. Bird, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Kilcrease, Nicholson, Provence, Smith and Tracy—13.

Nays—None.

Resolved Resolution passed.

Resolved that the same be certified to the House of Representatives.

House Resolution relative to Copying the Laws of the present Session ;

Was read the third time as amended, and upon the question of passage the vote was :

Yeas—Messrs. Criglar, Eppes, Hawes, Hopkins, Long, Myrick, Smith and Tracy—8.

Nays—Messrs. Bird, Cone, Filor, Gillis, Kilcrease and Nicholson—6.

So said Resolution passed.

Ordered that the same be certified to the House of Representatives.

House Resolution to bring on the Election of State Officers ;

Came up on its second reading.

On motion of Mr. Cone, the Resolution was laid on the table.

A Bill to be entitled An Act to amend the Revenue Act concerning Saw Mills ;

Was read the second time.

On motion of Mr. Hopkins, the rule was waived, the Bill read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Myrick, Nicholson, Pence, Smith and Tracy—16.

Nays—Mr. Long—1.

So said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled An Act to extend the Limitations of Merchants' Accounts in this State ;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

House Bill to be entitled An Act for the Relief of Purchasers of Swamp or Internal Improvement Lands from the United States ;

Was read the second time and ordered for a third reading on to-morrow.

House Resolution asking Congress to grant to the several Counties the Sixteenth Sections within their limits ;

Was read the second time and ordered for a third reading on to-morrow.

A Bill to be entitled An Act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola ;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled An Act to authorize Gregory Yneistra and B. Bobe to establish a Wharf in the City of Pensacola ;

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled An Act to Incorporate the Tallahassee and Georgia Railroad Company ;

as read the first time, the rule waived, read a second time by its
and on motion referred to the Committee on Internal Improve-
and seventy-five copies ordered to be printed.

grossed Bill to be entitled An Act to repeal an act entitled An
to restore the force and operation of the General Laws of this
in relation to the Migration of Free Persons of Color into this
approved December 15, 1854 ;

as read the third time, and upon the question of its passage the
was :

as—Mr. President, Messrs. Bird, Brinson, Eppes, Filor, Gillis,
s, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—13.

ys—Messrs. Cone and Criglar—2.

said bill passed, title as stated.

dered that the same be certified to the House of Representa-

use Bill to be entitled An Act to amend an act entitled An Act
se a Revenue for the State of Florida, and defining the duties
e Collectors and Assessors thereof, approved July 24, 1845 ;

as read the first time and ordered for a second reading on to-
w.

on motion the rule was waived ;

en Mr. Hopkins moved a reconsideration of the vote on House
ution appointing Mr. Haughton to copy the Laws passed by
esent General Assembly ;

ich motion was lost.

use Bill to be entitled An Act to prevent Planting without a
in Walton County ;

as read the first time, the rule waived, read a second and third
and upon the question of its passage the vote was :

as—Messrs. Bird, Brinson, Eppes, Gillis, Hawes, Hopkins, My-
Nicholson and Tracy—9.

ys—Mr. President, Messrs. Cone, Criglar, Long and Smith—5.

said Bill passed, title as stated.

dered that the same be certified to the House of Representa-

use Bill to be entitled An Act to authorize Benjamin Marshall
arge Wharfage in the Town of Milton ;

as read the first time, and on motion the rule was waived, the
read a second and third time, and upon the question of its pas-
the vote was :

as—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes,
Gillis, Hawes, Hopkins, Long, Myrick, Nicholson and Smith

ys—None.

said Bill passed—title as stated.

dered that the same be certified to the House of Representa-

House Bill to be entitled An Act to regulate the Pilotage of Bar of the River St. Johns;

Was read the first time and ordered for a second reading on morrow.

House Bill to be entitled An Act to prevent the Abduction Escape of Slaves from this State, with Senate amendments therein which the House refused to concur;

Came up in order.

On motion of Mr. Hopkins, a Committee of Conference, consisting of Messrs. Hopkins, Filor and Eppes, was appointed to act with a similar Committee on the part of the House, to take into consideration said amendments.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived;

When on motion of Mr. Smith, the Petition of Thomas E. Havin was again referred to the Committee on Propositions and Grievances.

On motion of Mr. Myrick, the Senate went into Committee of the Whole upon a Bill to be entitled An Act to Incorporate a Bank for the City of Tallahassee.

After some time spent therein, the Committee rose and through their Chairman reported progress, and asked leave to sit again;

Which was granted.

On motion, the rule was waived;

When Mr. Hopkins, from the Committee on Propositions and Grievances, made the following Report:

The Committee on Propositions and Grievances, to whom was referred a Bill to be entitled An Act granting Aid to the County of Putnam to build a Court House and Jail, have had the same under consideration, and

REPORT:

That they have also had under consideration a Petition from sundry citizens of the County of Putnam, praying that the sum of ten thousand dollars be loaned, on good and sufficient security be given, for the purpose of erecting a Jail and Court House. Your Committee have agreed, therefore, to recommend the passage of the Bill with the following amendments:

Strike out the word "three," and insert the word "two";

Strike out the word "seven," and insert the word "six," which will protect the legal interest of the State.

All of which is respectfully submitted.

EDWARD HOPKINS,
Chairman.

Which was received and read, and the bill placed among the orders of the day.

motion, the Senate adjourned until to-morrow morning, 10

WEDNESDAY, January 3, 1855.

Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

Quorum being present;

motion of Mr. Brinson, the reading of the Journal of yesterday dispensed with.

following Bills and Resolutions, which had passed the Senate were transmitted to the House of Representatives, viz:

Bill to be entitled, An Act to amend the Revenue Laws of this State concerning Saw Mills;

Bill to be entitled, An Act to repeal an Act entitled an Act to alter the force and operation of the general laws of this State, in relation to the migration of Free Persons of Color into this State, passed December 15th, 1854;

Bill to be entitled, An Act to prevent planting without a license in Walton County;

Bill to be entitled, An Act to authorize Benjamin Marshall to erect a wharfage in the town of Milton;

Resolution relative to copying the Laws of the present session with enclosed amendment; and

Resolution in relation to Mail Routes, with enclosed amendment.

following Bills and Resolutions which had passed both Houses of the General Assembly, and had been duly enrolled and signed by the signing officers thereof, were transmitted for approval to his Excellency the Governor, viz:

Act to amend an Act entitled an Act to permanently fix the Precincts of Columbia County, and to repeal certain Acts so named, approved January 8th, 1853;

Act to authorize William Webb to establish a Ferry across Apalachicola Bay;

Act to empower Charles H. Longworth of Gadsden County to dispose of his own estate;

Act to prevent white persons from gaming with Negroes and Persons of Color;

Resolutions respecting the establishment of a Mail Route from Tallahassee via Sopchoppy in Wakulla County, to White Bluff or Apalachicola, at the mouth of Crooked River, on the Apalachicola

Act to amend an Act in relation to Pilotage at the Port of Apalachicola; and

Act to authorize the drainage of the Alachua Savannah.

Mr. Bird announced the death of John Franklin Dewitt, a member of the House of Representatives from Jefferson County.

On motion, as a tribute of respect to his memory, the Senate journeyed until to-morrow, 10 o'clock, A. M.

THURSDAY, January 4, 1855.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present;

The Journal of yesterday was read and approved.

Mr. Eppes, according to previous notice, introduced a Bill entitled An Act to amend the General Act for the Incorporation of Towns, Academies, Religious Societies, &c., approved January 1847;

Which was placed among the orders of the day.

Mr. Long gave notice that he would on to-morrow or some future day ask leave to introduce a Bill for the relief of "Chaney," a woman of color.

Mr. Provence gave notice that he would on some future day leave to introduce a Bill to be entitled An Act to repeal an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes.

Mr. Hopkins introduced a Petition from the Masters of steamships and vessels trading on the St. Johns River, in relation to the payment of Pilotage, &c.;

Which was read, and on motion laid on the table.

Mr. Provence presented a Communication from John Tranter, Justice of the Peace;

Which was read and referred to the Committee on the Judiciary.

Mr. Hawes presented the Memorial of Bennett & Teasdale and others, asking that the law taxing Foreign Insurance Companies be repealed;

Which was read, and on motion referred to the Committee on Taxation and Revenue.

Mr. Filor presented a Communication from W. C. Malony, in regard to delivery of liquor to Negroes and Mulattoes;

Which was read, and on motion referred to the Committee on the Judiciary.

Mr. Cone presented the Memorial of M. Whit Smith and others in regard to the Jacksonville and Alligator Plank Road Company.

Which was read, and on motion laid on the table.

Mr. Cone also presented a Petition from the citizens of Columbia County, asking that Elisha Carter be placed on an equal footing with other Physicians of this State;

Which was read, and on motion laid on the table.

Myrick offered the following Resolution :

Resolved, by the Senate and House of Representatives of the State of Florida in General Assembly convened, That from and after Saturday next, the 6th instant, no other Bills or Resolutions shall be introduced during the present Session of the Legislature.

which was read the first time, and ordered for a second reading tomorrow.

Provence, from the Committee on Census and Apportionment, the following Report :

The Committee on Census and Apportionment, to whom was referred the Bill to Organize the County of Manatee, have had the same under consideration, and through me, their Chairman, report the Bill without amendment, and recommend its passage.

Respectfully submitted,

D. PROVENCE,

Chairman.

which was read, and the Bill placed among the Orders of the

Filor, from the Committee on Engrossed Bills, made the following Report :

The Committee on Engrossed Bills have examined the following and find the same correctly engrossed :

A Bill to be entitled An Act to extend the Limitation of Meritorious Accounts in this State.

Respectfully submitted,

JAMES FILOR,

Chairman.

which was read, and the Bill placed among the Orders of the

Smith, from the Committee on Claims and Accounts, made the following Report :

The Committee on Claims and Accounts, to whom was referred a Bill to be entitled an Act for the relief of Dr. Wm. S. Wilson and Mr. Etheldridge Philips, with sundry proposed amendments, ask through their Chairman, to

REPORT :

that they have taken the case in hand, and after investigation find according to the best of their information, service was perfectly done and have reported a bill in lieu of the original, embracing the several cases therein set forth, and ask its adoption.

Very respectfully,

JAMES W. SMITH, Chairman.

which was read, and the Bill, together with the substitute, were placed among the Orders of the Day.

Long, from the Committee on Enrolled Bills, made the following Report :

The Committee on Enrolled Bills have examined and find correctly enrolled, An Act to authorize Thomas H. Willis of Leon county a minor, to assume the management of his own estate.

M. A. LONG, Chairman.

Which was read.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,
January 2, 1855.

Hon. President of the Senate :

Sir :—The House has concurred in Senate amendments to the following Bills, viz :

A Bill to be entitled, An Act to admit Anderson J. Peeler to practice law in the several Courts of this State ;

A Bill to be entitled, An Act to provide for the appointment of Inspectors of Tar and Turpentine in this State ; and

A Bill to be entitled, An Act to provide for and encourage a general system of Internal Improvements in this State.

The House has also concurred in the report of the Joint Select Committee of Conference, upon amendments to Senate Bill entitled An Act governing Judges of Probate in certain cases.

Very respectfully,

HUGH A. CORLEY,

Clerk House Representatives.

Which was read, and the Senate Bill as amended ordered enrolled.

Also the following :

HOUSE OF REPRESENTATIVES,
January 3, 1855.

Hon. President of the Senate :

Sir :—The House has passed the following Bills and Resolutions, viz :

A Bill to be entitled an Act to provide for the re-establishment of the Records of St. Lucie County ;

A Bill to be entitled an Act to amend an Act entitled an Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852 ;

A Bill to be entitled an Act to authorize Elijah Johnson & Co. to establish a Ferry across the Chattahoochee River ;

A Bill to be entitled an Act authorizing the sale of the State land lying on the disputed boundary line between the States of Georgia and Florida ;

A Bill to be entitled an Act relative to depositions taken before a Commission ;

A Bill to be entitled an Act to make permanent the County of Holmes County at a place known as Bear Pen Bluff, in said County ;

Bill to be entitled an Act to change the name of Charles Irvin
 n, and for other purposes ;
 Bill to be entitled an Act to amend an Act approved November
 28, providing for the appointment of Inspectors of Lumber in
 rious Counties of this State ;
 olution authorizing the Governor to contract for the transpor-
 of the Laws and Journals of the present General Assembly,
 r other purposes ; and
 ate Bill to be entitled an Act to prevent fraudulent voting, with
 following amendment, viz :
 ke out " Circuit," between the words " the" and " in," in the 9th
 nd insert " County."
 which amendment the concurrence of the Senate is respectfully
 ted.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

ich was read, and the House Bills and Resolution and Senate
 ith amendments placed among the orders of the day.

ORDERS OF THE DAY.

Bill to be entitled an Act to incorporate a Bank in the City of
 assee ;

ne up, and on motion of Mr. Provence, the Senate again re-
 itself into a Committee of the Whole, for the further consid-
 n of the Bill—Mr. Tracy in the Chair.

er some time spent therein the Committee rose, and through
 Chairman reported the Bill back to the Senate, with sundry
 lments, and recommended its passage ;

ich report was concurred in, and the Bill as amended read
 cond time.

motion of Mr. Long, said Bill was laid on the table, and made
 ecial order of the day for Monday next.

e following message was received from the House of Repre-
 ves :

HOUSE OF REPRESENTATIVES, }
 January 4, 1855. }

able President of the Senate :

:-The following Resolution has been adopted by the House,

olved by the House of Representatives, (the Senate concurring)
 the General Assembly proceed to the election of Clerk of the
 me Court, Comptroller, Treasurer and State Engineer and Ge-
 t, at 12½ o'clock.

In which Resolution the concurrence of the Senate is respectfully requested.

Very respectfully,
 HUGH A. CORLEY,
Clerk House Representative

Which was read.

On motion of Mr. Hopkins, the Resolution was laid on the table until to-morrow.

Mr. Provence moved that a Committee be appointed to inform the House that the Senate refuses to concur in the said Resolution ;

Which motion prevailed, and Messrs. Provence, Kilcrease and Eppes were appointed said Committee ;

Who, upon their return, reported that they had performed the duty assigned them, and asked to be discharged ;

Which was granted.

On motion of Mr. Long, a Bill to be entitled an Act concerning Interest was taken from the table and read the second time.

Mr. Myrick moved to strike out the word "six" and insert in thereof "seven."

Which amendment was adopted.

Mr. Long moved to strike out the first section of the bill ;

Upon which the yeas and nays were called for by Messrs. Long and Myrick, and were :

Yeas—Messrs. Bird, Brinson, Cone, Hopkins, Kilcrease, Long and Smith—7.

Nays—Mr. President, Messrs. Criglar, Eppes, Filor, Gillis, Hawes, Myrick, Nicholson, Provence and Tracy—10.

So the section was not stricken out.

Ordered that the bill be engrossed for a third reading on to-morrow.

On motion the rule was waived, and Mr. Kilcrease moved that the Bill to prevent the deduction of two pounds of cotton per bale, taken from the table and placed among the orders of the day ;

Which was agreed to.

House Resolution asking Congress to grant to the several Commissions the sixteenth sections within their limits ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Brinson, Cone, Hopkins, Kilcrease and Provence—5.

Nays—Mr. President, Messrs. Bird, Criglar, Eppes, Filor, Gillis, Hawes, Long, Nicholson, Smith and Tracy—11.

So the Resolution was lost.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, an Act for the relief of purchasers of Swamp or Internal Improvement Lands from the United States ;

was read the third time, and upon the question of its passage the vote was :

yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hopkins, Long, Myrick, Nicholson, Provence and Tracy—4.

no yeas—Messrs. Hawes and Smith—2.

The said Bill passed—title as stated.

Ordered that the same be certified to the House of Representa-

tion. A Bill to be entitled, an Act to amend an Act entitled an Act to raise a revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved January 24,

was read the second time, and on motion was referred to the Committee on Taxation and Revenue.

A Bill to be entitled, an Act to authorize Celestino Gonzalez to establish a wharf in the city of Pensacola ;

was read the second time, the rule waived, read the third time upon question of its passage the vote was :

yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, and Tracy—16.

no yeas—None.

The bill passed, title as stated.

Ordered that the same be certified to the House of Representa-

tion. A motion of Mr. Long, a Bill to be entitled an Act to change the location of holding the Circuit Court of Calhoun County, was taken from the table and placed among the orders of the day.

A Bill to be entitled an Act to authorize Gregory Yneistra and F. Yneistra to establish a wharf in the city of Pensacola ;

was read the second time, the rule waived, read the third time and upon question of its passage, the vote was :

yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, and Tracy—16.

no yeas—None.

The bill passed—title as stated.

Ordered that the same be certified to the House of Representa-

tion. A Bill to be entitled an Act to regulate the Pilotage of the vessels of the River St. Johns ;

was read the second time, and on motion was referred to a Select Committee consisting of Messrs. Hopkins, Filor and Kilcrease, together with the Memorial of Masters of Steamers and Vessels trading on the River St. Johns.

A Bill to be entitled an Act granting aid to the County of Putnam to build a Court House and Jail ;

Was read the second time.

On motion of Mr. Myrick a call of the Senate was had.

The following Senators answered to the call, viz :

Mr. President, Messrs. Brinson, Eppes, Gillis, Hawes, Hopkins, Long, Myrick and Smith.

On motion of Mr. Long, the Sergeant-at-Arms was ordered to request the attendance of the absent members.

On motion of Mr. Gillis, further proceedings under the call dispensed with.

Mr. Long moved to amend the first Section by striking out "se" and inserting "eight, payable semi-annually," between the words and "for," in the fourth line;

Which was adopted.

Ordered that said Bill as amended be engrossed for a third reading on to-morrow.

Bill to be entitled an Act to amend the General Act for the incorporation of Towns, Academies, Religious Societies, &c., approved January 6, 1847;

Was read the first time, the rule waived, read the second time ordered to be engrossed for a third reading on to-morrow.

Mr. Myrick moved that the Senate take a recess until 7 o'clock this evening;

Which was lost.

Mr. Myrick moved that the Senate take a recess until 3 o'clock.

Which was lost.

Mr. Filor moved that the Senate adjourn until 9 o'clock to-morrow;

Upon which the yeas and nays were called for by Messrs. Brinson and Tracy, and were:

Yeas—Mr. President, Messrs. Bird, Criglar, Eppes, Filor, Long—6.

Nays—Messrs. Brinson, Cone, Gillis, Hawes, Hopkins, Myrick, Nicholson, Provence, Smith and Tracy—10.

So the motion was lost.

Mr. Provence moved that the Senate adjourn until 10 o'clock to-morrow;

Upon which the yeas and nays were called for by Messrs. Brinson and Provence, and were:

Yeas—Mr. President, Messrs. Bird, Criglar, Filor, Hawes, Nicholson and Provence—7.

Nays—Messrs. Brinson, Cone, Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—9.

So the motion was lost.

House Bill to be entitled an Act to organize the County of Montgomery;

Was read the third time, and upon the question of its passage the vote was:

—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Nicholson, Provence, Smith and —15.

—Mr. Myrick—1.

the bill passed—title as stated.

ordered that the same be certified to the House of Representa-

crossed Bill to be entitled an Act to extend the limitation of
ants' accounts in this State ;

s read the third time, and upon the question of its passage, the
as :

s—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Smith and —15.

s—Mr. Provence—1.

the Bill passed, title as stated.

ordered that the same be certified to the House of Representa-

ill to be entitled an Act for the relief of Doctor William S.
n and Doctor Philips ;

he up, and on motion the substitute recommended by the Com-
was adopted in lieu of the original Bill ;

ich was read the first time, the rule waived, read the second
y its title, and ordered to be engrossed for a third reading on
row.

se Bill to be entitled an Act to amend an act, approved No-
r 21, 1828, providing for the appointment of inspectors of
er in the various Counties of this State ;

s read the first time and ordered to be read a second time on
row.

ate Bill to be entitled an Act to prevent fraudulent voting, with
amendments thereto ;

he up in order, and on motion of Mr. Hopkins, the amendments
onccurred in.

ordered that the same be certified to the House of Representatives,
at the Bill as amended be enrolled.

se Bill to be entitled an Act to amend an act entitled an act
at pre-emption rights to settlers on State Lands, approved De-
c 31, 1852 ;

s read the first time, the rule waived, and read the second time
title.

Cone moved to amend said Bill by inserting the word " quar-
tween the words " exceed " and " one," in the 1st Section ;

ch was agreed to.

se Bill to be entitled an Act to authorize Elijah Johnson &
establish a Ferry across the Chattahoochee River ;

Was read the first time, the rule waived, read the second and third times by its title, and upon the question of its passage the vote

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Pro Smith and Tracy—16.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act authorizing the sale of the Lands lying on the disputed boundary line between the State of Georgia and Florida;

Was read the first time and ordered for a second reading tomorrow.

House Bill to be entitled an Act to provide for the establishment of the Records of St. Lucie County;

Was read the first time, and ordered for a second reading tomorrow.

House Bill to be entitled an Act to make permanent the County site of Holmes County, at a place known as Bear Pen Bluff in Holmes County;

Was read the first time, and ordered to be read a second time to-morrow.

House Bill to be entitled an Act relative to depositions taken under Commission;

Was read the first time and ordered for a second reading tomorrow.

House Bill to be entitled an Act to change the name of Calvin Irvin Vincan, and for other purposes;

Was read the first time, and ordered to be read a second time to-morrow.

House Resolution authorizing the Governor to contract for the transportation of the Laws and Journals of the present General Assembly, and for other purposes;

Was read the first time and ordered to be read a second time to-morrow.

A Bill to be entitled an Act to change the time of holding the Circuit Court of Calhoun County, with House amendments thereto. Came up in order.

On motion of Mr. Myrick, the amendments made by the House were concurred in.

Ordered that the same be certified to the House of Representatives and the bill, as amended, be enrolled.

On motion of Mr. Long, the Senate adjourned until to-morrow o'clock, A. M.

FRIDAY, January 5, 1855.

Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

Quorum being present;

motion of Mr. Tracy, the reading of the Journal of yesterday was dispensed with.

following Bills which had passed the Senate were transmitted to the House of Representatives, viz:

Bill to be entitled an Act to authorize Gregory Yneistra and F. to establish a wharf in the city of Pensacola;

Bill to be entitled an Act to authorize Celestino Gonzales to establish a wharf in the city of Pensacola;

Bill to be entitled an Act to extend the limitation of Merchants' claims in this State;

Bill to be entitled an Act to organize the County of Manatee without amendment;

Bill to be entitled an Act to authorize Elijah Johnson & Co. to establish a Ferry across the Chattoahoochee River, without amendment;

Bill to be entitled an Act for the relief of purchasers of Public or Internal Improvement Lands from the United States, without amendment.

On concurrence of the Senate to House amendments to the following Bills were likewise transmitted, viz:

Bill to be entitled an Act to prevent fraudulent voting; and

Bill to be entitled an Act to change the time of holding Circuit Court of Calhoun County.

motion of Mr. Myrick, Mr. Cone was excused from attendance at the Senate after Tuesday next.

motion of Mr. Filor, Mr. Criglar was excused after the 12th

Mr. Filor, from the Committee on Engrossed Bills, made the following Report:

The Committee on Engrossed Bills have examined and find correct the following bills:

Bill to be entitled an Act to amend the general Act for the Incorporation of Towns, Academies and Religious Societies, approved March 6, 1847;

Bill to be entitled an Act concerning Interest;

Bill to be entitled an Act for the relief of Dr. William S. Wilcox and others;

Bill to be entitled an Act granting aid to the County of Putnam to build a Court House and Jail.

Respectfully submitted,

JAMES FILOR, Chairman.

Which was read, and the Bills placed among the orders of day.

Mr. Long, pursuant to previous notice, introduced a Bill to be titled an Act for the relief of Cherry, a free woman of color.

Which was placed among the orders of the day.

Mr. Smith, from the Committee on Claims and Accounts, made the following report :

The Committee on Claims and Accounts, to whom was referred the Bill entitled An Act relative the claim of D. P. Hogue, for services rendered to the State, ask leave to

REPORT:

That they have had the same under consideration, and find involved in difficulty. Mr. Hogue claims of the State payment for tending to the collection of a claim in Washington for the State of Florida. Said claim was based upon an appropriation granted by Congress of 75,000 dollars, to re-imburse the State for payment of expenditures of the State incurred in suppressing Indian hostilities the year 1849. The accounting officers of the Treasury of the United States having interposed some difficulty, by off-setting an old Territorial claim against the appropriation, it was not paid immediately to the Governor of the State, and the then existing Governor Thomas Brown, says, in a communication to this Committee, that on the request of the Quarter Master General, he prevailed on Mr. Hogue, Esq., Attorney General of the State, but not in his official capacity, to visit Washington on the subject of said claims, and urge the allowance of the same; that he addressed a letter to Hon. Thomas Corwin, Secretary of the Treasury of the United States by him; that Mr. Hogue went to Washington, and after much difficulty succeeded in obtaining the allowance of about \$60,000 of claims due to this State, which were transmitted to him, as Governor of the State, in two checks, one for 28,000 and odd dollars, and the other for 31,000 and odd dollars, which checks were collected by the Comptroller of Public Accounts, and paid over to the Treasury of this State. He further says that in sending Mr. Hogue to Washington for the settlement of those claims, he did not employ him as *special State Agent*, nor did he make any agreement for the payment of his services, but left that for the action of the General Assembly that he simply agreed to pay his expenses, for which purpose he gave him a draft on the State Treasurer for \$500, out of the Contingent Fund, which he received. He is of the opinion that Mr. Hogue rendered valuable services to the State, and hopes the General Assembly will take the justice of his claim into consideration, and says that any person is entitled to be paid for such services as *State Agent*. Mr. Hogue is the person.

The Committee have further the evidence of W. H. Taylor, Auditor of the Treasury, in a letter addressed to Mr. Hogue, of

asury Department, March 13, 1854. In this letter, Mr. Taylor, in reference to the claim of the United States for Territorial bonds, for \$100,000, says that he perfectly recollects that Mr. Hogue was a decided and active part, and that until they were disposed of, the draft of the appropriation could have been paid, and that a matter of interest claimed by the State, he feels confident was settled by his actions in behalf of the State. The amount of the two drafts, as given by Mr. Taylor to the Governor, he says were, the first \$28,644.32, and the other \$31,102.49, thus making in the aggregate \$59,746.81. We have further the testimony of Wm: R. Hayward, the former Treasurer, corresponding with the statement of Mr. Taylor, as

we have said this case was involved in difficulty, another party had claimed the settlement and procuring of these same drafts, bearing the very same amount, dollars and cents, exactly corresponding to the above, which was ascertained by applying to the Comptroller's office. We found there that Mr. G. W. Hutchins had, in January, 1854, on an account rendered by him, as State Agent, been paid, for collecting this identical claim, 5 per cent., together for procuring other money, on his simply rendering in that account, without any other showing than his own statement, the account not being correct. Now we are of opinion that, under a resolution of the last Assembly in Mr. Hutchins' favor, that account should not have been paid only upon proof, and if paid otherwise, the State should have recouped upon the Comptroller. We are informed further that a suit has been instituted by the Governor against Mr. Hutchins for recovery of the money back, which seems to us an acknowledgement on the part that the money has been wrongfully paid. The issue, then, is upon this: Was Mr. Hutchins the State Agent, and as such did he do the service or not? We find by conference with the former Governor that he never did recognize him as such, from whom that agency must emanate, if he had any; and if he has been paid for that service, should this do away the claim of the Comptroller, who here claims that he did the service, and submits his case? We are of opinion, from what we can learn, that no such amount was expected of this Assembly to be allowed as what has been paid to the one party, when this work was done, and that the Governor, in fact, did not expect any further remuneration to be required than the draft which he gave for 500 dollars, and is firmly believed that he could collect it through the medium of correspondence, and it seems strange to us that a matter of such importance should have so long been neglected. The Committee, therefore, after having submitted the result of this investigation, beg to present the accompanying Bill, with this report, to the Senate and leave it for their investigation, without any recommendation against it on our part further.

Very respectfully,

JAMES W. SMITH, Chairman.

Which was read, and the Bill placed among the Orders of the Day.

Mr. Long, from the Committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred a communication from a citizen of Monroe County, beg leave to report thereon a Bill, which is herewith submitted, the passage of which they recommend.

M. A. LONG, Chairman.

Which was read, and the accompanying Bill placed among the Orders of the Day.

On motion the rule was waived, and Mr. Kilcrease moved that the Bill to prevent the reduction of two lbs. of cotton per bale, be referred to a Select Committee;

Which motion prevailed, and Messrs. Kilcrease, Bird and Cone were appointed said Committee.

On motion the rule was waived, and Mr. Cone permitted to introduce, without previous notice, a Bill to be entitled an Act for the relief of William Raulerson and Ransom Foster;

Which was placed among the orders of the day.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 5, 1855.

Hon. President of the Senate:

Sir:—The House has appointed Messrs. Haynes, Parsons and Pope a Committee to confer with the Committee appointed on the part of the Senate, in relation to the disagreement between the two Houses upon amendments to a bill to be entitled, an Act to prevent the abduction and escape of Slaves from this State.

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives.

Which was read.

Also the following:

HOUSE OF REPRESENTATIVES,
January 5, 1855.

Hon. President of the Senate:

Sir:—The following Bills and Resolutions have passed the House:

viz:

A Bill to be entitled an Act to authorize Absalom W. Smith to establish a Ferry across Suwannee River;

A Bill to be entitled an Act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company, to pass lines of Telegraph through the State of Florida, and to protect the same;

A Bill to be entitled an Act to adopt an equal and uniform mode of Taxation in this State;

Bill to be entitled an Act to provide for the taking of the Census of 1855 in this State;

Senate Bill to be entitled an Act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State, without amendment;

Senate Bill to be entitled an Act to create a State Librarian, with the following amendment, viz:

Strike out "twenty-five" in the 4th Section and insert "one hundred" in lieu thereof;

which amendment the concurrence of the Senate is respectfully requested.

Resolution fixing a day of adjournment and for other purposes.

The following Bills have been indefinitely postponed by the House,

Senate Bill to be entitled an Act to amend the Revenue Laws of this State concerning Saw Mills; and

Senate Bill to be entitled an Act to repeal an Act entitled an Act to restore the force and operation of the general laws of this State relating to the migration of free persons of color into this State, passed December 15, 1854.

The House has refused to concur in Senate amendment to Resolution relative to copying the Laws of the present Session.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representatives.

which was read.

Ordered that the House and Senate Bills with House amendments placed among the orders of the day, and Senate Bills which had passed both Houses be enrolled.

ORDERS OF THE DAY.

Resolution in regard to the introduction of Bills after the 6th instant;

was read the second time and ordered for a third reading on to-morrow.

House Bill to be entitled an Act to provide for the re-establishment of the Records of St. Lucie County;

was read the second time and ordered for a third reading on to-morrow.

A motion the rule was waived, and Mr. Filor offered the following resolution:

Resolved by the Senate, (the House of Representatives concurring)

that the General Assembly proceed to the election of Comptroller, Treasurer, State Engineer and Geologist and Clerk of the Supreme Court at 12 o'clock, M.

which was adopted.

Ordered that the House of Representatives be informed thereof.

House Bill to be entitled an Act authorizing the sale of the State Lands lying on the disputed boundary line between the States of Georgia and Florida;

Was read the second time.

Mr. Myrick moved that the bill be indefinitely postponed;

Upon which the yeas and nays were called for by Messrs. Hopkins and Myrick, and were:

Yeas—Messrs. Brinson, Criglar, Eppes, Gillis, Hopkins, Myrick, Nicholson, Provence and Smith—9.

Nays—Messrs. Bird, Cone, Filor, Hawes, Kilcrease and Long—5.
So the bill was indefinitely postponed.

Ordered that the same be certified to the House of Representatives.

On motion the rule was waived, and Mr. Provence, pursuant to previous notice, introduced a bill to be entitled an Act to repeal an Act to change the name of Oliver Price to that of Oliver Deik, and for other purposes;

Which was placed among the orders of the day.

House Bill to be entitled an Act to make permanent the County site of Holmes County, at a place known as Bear Pen Bluff in said County;

Was read the second time, and on motion of Mr. Gillis was laid on the table.

House Resolution authorizing the Governor to contract for the transportation of the Laws and Journals of the present General Assembly, and for other purposes;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was:

Yeas—Messrs. Brinson, Cone, Criglar, Gillis, Hawes, Kilcrease and Provence—7.

Nays—Mr. President, Messrs. Bird, Eppes, Filor, Hopkins, Long, Myrick, Nicholson and Smith—9.

So the Resolution was lost.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to change the name of Charles Irvin Vincan and for other purposes;

Was read the second time and ordered for a third reading on tomorrow.

House Bill to be entitled an Act to amend an Act to grant preemption rights to Settlers on State Lands, approved December 1852;

Was read the third time as amended, and upon the question of passage the vote was:

Yeas—Messrs. Brinson, Cone, Criglar, Eppes, Hawes, Myrick and Nicholson—7.

Nays—Mr. President, Messrs. Bird, Gillis, Hopkins, Long, Provence, Smith and Tracy—8.

the Bill was lost.

Mr. Bird moved to re-consider the vote on said Bill ;
upon which the yeas and nays were called for by Messrs. Myrick
Tracy, and were :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor,
Hawes, Long, Myrick, Nicholson, Provence and Smith—13.
Nays—Messrs. Eppes, Hopkins and Tracy—3.

the vote was re-considered.

Said Bill was again read the third time, and upon the question of
passage the vote was :

Yeas—Messrs. Bird, Brinson, Cone, Criglar, Filor, Gillis, Myrick,
Nicholson, Provence and Smith—10.

Nays—Mr. President, Messrs. Hawes, Hopkins, Long and Tra-
cy—5.

Said Bill passed—title as stated.

Ordered that the same be certified to the House of Representa-

tion. Bill to be entitled an Act to amend an Act, approved No-
vember 21, 1828, providing for the appointment of Inspectors of
Liquor in the various Counties of this State ;

was read the second time.

On motion of Mr. Myrick, the rule was waived, said Bill read the
third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Eppes, Filor,
Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith
and Tracy—15.

Nays—None.

Said Bill passed, title as stated.

Ordered that the same be certified to the House of Representa-

tion. Bill to be entitled an Act relative to Depositions taken
before a Commission ;

was read the second time and ordered for a third reading on to-
morrow.

Resolved Bill to be entitled an Act concerning Interest ;

was read the third time, and upon the question of its passage the
vote was :

Yeas—Mr. President, Messrs. Bird, Criglar, Filor, Gillis, Myrick,
Nicholson, Provence and Tracy—9.

Nays—Messrs. Brinson, Cone, Hawes, Hopkins, Long and Smith

and Tracy—5.
the bill passed—title as stated.

Ordered that the same be certified to the House of Representa-

tion. Brinson gave notice that he would, at some future day, enter
a protest in relation to the Bill just passed.

Engrossed Bill to be entitled an Act for the relief of Dr. William S. Wilson and others;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Cone, Criglar, Eppes, Gill Hawes, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled an Act granting aid to the County of Putnam to build a Court House and Jail;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Gill Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith and Tracy—14.

Nays—Messrs. Cone and Eppes—2.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled an Act to amend the General Act of the incorporation of Towns, Academies and Religious Societies, approved January 6, 1847;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Myrick, Nicholson, Provence, Smith and Tracy—16.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act for the relief of Cherry, a free woman of color;

Was read the first time and ordered for a second reading on tomorrow.

A Committee from the House informed the Senate that the House had concurred in the resolution to go into the election of State Officers, and as the hour of twelve had arrived, requested the Senate to join them in said election.

On motion, the Senate proceeded to the House of Representatives.

The President, by invitation of the Speaker, took the Chair.

The President announced that the object of the Joint Meeting was the election of Comptroller of Public Accounts, Treasurer, State Engineer and Geologist, and Clerk of the Supreme Court.

On motion, the Joint Meeting proceeded to the election of Comptroller of Public Accounts.

Mr. Long (of the Senate,) nominated Theodore W. Brevard, of Leon County.

Mr. Shine (of the House,) nominated Simon Towle, of Leon County.

The first vote resulted as follows:

MR. BREVARD.—*Senate*—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Par-Penn, Pope, Porter, Prescott, Rowley, VanZant and Wall—20. Total—29.

MR. TOWLE.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Myrick, Olson, Smith and Tracy—7.

House—Messrs. Brown, Dismukes, Fennell, Haddock, Hollaman, Jones of Nassau, Langford, Neel, Riviere, Shine, and Thompson of Santa Rosa—12. Total—19.

The President declared there was no election.

The Joint Meeting proceeded to a second voting, which resulted as follows:

MR. BREVARD.—*Senate*—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Par-Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, Zant and Wall—21. Total—30.

MR. TOWLE.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Myrick, Olson, Smith and Tracy—7.

House—Messrs. Brown, Dismukes, Fennell, Haddock, Hollaman, Jones of Nassau, Langford, Neel, Riviere, Shine, and Thompson of Santa Rosa—12. Total—19.

The President declared Mr. Brevard duly elected Comptroller of Accounts of the State of Florida.

On motion, the Joint Meeting proceeded to the election of State Engineer and Geologist.

Mr. Long (of the Senate) nominated F. L. Dancy, of St. Johns County.

Mr. Shine (of the House) nominated William T. Stockton, of Leon County.

The vote was as follows:

MR. DANCY.—*Senate*—Mr. President, Messrs. Bird, Brinson, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Par-Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, Zant and Wall—21. Total—30.

FOR STOCKTON.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Nicholson—4.

House—Messrs. Dismukes, Fennell, Hollaman, Johnston, Langford, Shine, and Thompson of Santa Rosa—7. Total 11.

BLANK.—*Senate*—Messrs. Myrick, Smith and Tracy—3.

House—Messrs. Brown, Haddock, Jones of Nassau, Neel, Riviere—5. Total—8.

The President declared Mr. Dancy duly elected State Engineer and Geologist.

On motion, the Joint Meeting proceeded to the election of Treasurer.

Mr. Long (of the Senate) nominated Charles H. Austin, of Lincoln County.

The vote was as follows:

FOR AUSTIN.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Hawes, Long, Myrick, Provence, Tracy—12.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Harris, Haynes, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, VanZant and Wall—27. Total—39.

BLANK.—*Senate*—Messrs. Gillis, Hopkins, Nicholson and Smith—4.

House—Messrs. Hollaman, Johnston, Riviere, Shine, and Thompson of Santa Rosa—5. Total—9.

The President declared Mr. Austin duly elected Treasurer of the State of Florida.

On motion, the Joint Meeting proceeded to the election of Chief Justice of the Supreme Court.

Mr. Dell (of the House) nominated John P. K. Savage, of Lincoln County.

Mr. Bird (of the Senate) nominated Alfred L. Woodward, of Lincoln County.

The first vote resulted as follows:

FOR SAVAGE.—*Senate*—Mr. President, Messrs. Brinson, Eppes, Gillis, Hawes, Provence, Smith and Tracy—8.

House—Messrs. Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Johnston, Jones of Nassau, Pope, Porter, Shreve, VanZant and Wall—14. Total—22.

FOR WOODWARD.—*Senate*—Messrs. Bird, Criglar, Filor, Hopkins, Long and Myrick—6.

House—Messrs. Brown, Carter, Dismukes, Fennell, Neel, Parsons, Prescott, Riviere and Rowley—9. Total—15.

BLANK.—*Senate*—Messrs. Cone and Nicholson—2.

House—Messrs. Baisden, Bellamy, Christie, Haddock, Hollaman, Langford, Parsons, Thompson of Levy and Thompson of Santa Rosa—9. Total—11.

President declared there was no election.

Penn (of the House) nominated Benjamin F. Parker, of Cal-County.

second voting resulted as follows :

SAVAGE.—*Senate*—Mr. President, Messrs. Brinson, Eppes, Hawes, Hopkins, Provence, Smith and Tracy—9.

—Messrs. Carter, Chaires, Christie, Coombs, Dell, Dum Galbraith, Harris, Haynes, Johnston, Jones of Nassau, Pope, Shine and Wall—15. Total 24.

WOODWARD.—*Senate*—Messrs. Bird, Criglar, Filor, Long and —5.

—Messrs. Brown, Dismukes, Fennell and Riviere—4. To-

PARKER.—*Senate*—Mr. Cone—1.

—Messrs. Baisden, Haddock, Neel, Penn, Porter, Prescott and VanZant—7. Total 8.

—*Senate*—Mr. Nicholson—1.

—Mr. Speaker, Messrs. Hollaman, Langford, Parsons, Thompson of Levy and Thompson of Santa Rosa—6. Total 7.

President declared that there was no election.

Parsons moved that the Joint Meeting do now adjourn ;

which was not agreed to.

Joint Meeting then proceeded to a third voting, which results as follows :

SAVAGE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Filor, Gillis, Hawes, Hopkins, Provence, Smith and Tracy—

—Mr. Speaker, Messrs. Bellamy, Chaires, Christie, Coombs, Dummett, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Pope, Rowley, Shine and Wall—17. Total 28.

WOODWARD.—*Senate*—Messrs. Criglar, Myrick and Nichol-

—Messrs. Brown, Carter, Dismukes, Fennell, Neel, Riviere Thompson of Santa Rosa—7. Total 10.

PARKER.—*Senate*—Messrs. Cone and Long—2.

—Messrs. Baisden, Penn, Porter, Prescott and VanZant—5. Total 7.

—*Senate*—0.

—Messrs. Hollaman, Langford, Parsons and Thompson of —4. Total 4.

President declared that there was no election.

Myrick withdrew the name of Mr. Woodward.

fourth voting resulted as follows :

SAVAGE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Filor, Gillis, Hawes, Hopkins, Myrick, Nicholson, Provence, and Tracy—13.

—Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dis-

mukes, Dummett, Fennell, Galbraith, Haddock, Harris, Hay, Johnston, Jones of Nassau, Langford, Neel, Pope, Riviere, Row Shine, Thompson of Santa Rosa and Wall—22. Total 35.

FOR PARKER.—*Senate*—Messrs. Cone, Criglar and Long—3.

House—Messrs. Baisden, Brown, Carter, Penn, Porter, Pres and VanZant—7. Total 10.

BLANK.—*Senate*—0.

House—Mr. Speaker, Messrs. Hollaman, Parsons, and Thompson of Levy—4. Total—4.

The President declared Mr. Savage duly elected Clerk of the Supreme Court of the State of Florida.

The Joint Meeting then adjourned, and the Senate returned to their Chamber.

On motion of Mr. Myrick, the Senate took a recess until 3 o'clock P. M.

3 O'CLOCK, P. M.

The Senate met. A quorum not being present;

On motion of Mr. Tracy, the Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, January 6, 1855.

The Senate met pursuant to adjournment.

A quorum being present, on motion of Mr. Brinson, the reading of the Journal of yesterday was dispensed with.

The following Bills which had passed the Senate were transmitted to the House of Representatives, viz:

A Bill to be entitled an Act to amend the general Act for the corporation of Towns, Academies and Religious Societies, approved January 6th, 1847;

A Bill to be entitled an Act for the relief of Dr. William S. Vason and others;

A Bill to be entitled an Act granting aid to the County of Putnam to build a Court House and Jail;

A Bill to be entitled an Act concerning Interest;

House Bill to be entitled an Act to amend an Act approved November 21st, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State; and

House Bill to be entitled an Act to amend an Act entitled an Act to grant pre-emption rights to Settlers on State Lands, approved December 31, 1852.

Enrolled Bill, an Act to authorize Thomas H. Willis of Lenoir County, a minor, to assume the management of his own estate,

tract and be contracted with, was transmitted for approval to excellency the Governor.

Long, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have examined and report as co-enrolled the following:

Resolution in relation to the improvement of St. John's Bar, and preservation of the site of St. John's Light House;

Act to be entitled an Act to change the time of holding Circuit Court for Calhoun County;

Act governing Judges of Probate in certain cases;

Act explanatory of the several Acts in relation to the migration of negroes or free persons of color into Key West;

Act to improve the navigation of the Harbor and Bay of Apalachicola;

Act to prevent fraudulent voting; and

Act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County.

M. A. LONG,

Chairman Committee on Enrolled Bills.

which was read.

Long, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred a communication in the nature of a Memorial, of a Justice of the Peace of Marion County, in which it is stated that the Judge of the Eastern Circuit holds the opinion, and has decided that appeals do not lie to Circuit Courts of this State from judgments rendered by Justices of the Peace,

REPORT:

That the memorialist regards this as an evil which the General Assembly is called upon to redress; but as the communication or memorial has been simply referred to the Committee, without any recommendations, they are left to conjecture that the object of the reference was to elicit their opinion upon the following points, viz:

Whether the ruling of the Judge of the Eastern Circuit is a correct exposition of the Constitution and Laws of the State on this point; and if so,

Whether the Legislature have power to confer on the Circuit Court the necessary appellate jurisdiction.

Whether it is expedient for the Legislature to exercise that power; and if so,

To prepare a Bill for that purpose.

On each of these points the Committee have directed as much attention and time as has been at their command, consistent with their numerous and equally important duties.

Upon the first point, viz: the correctness of the opinion of Judge of the Eastern Circuit, the Committee, believing that General Assembly have no judicial powers under the Constitution, deem it indelicate and useless to attempt to pass upon the correctness of the opinions or decisions of the Judicial Department of Government. The Committee have been informed, and believe, the correctness of that opinion will probably be tested by the Supreme Court, at its ensuing Session in the Eastern part of the State. Whatever, therefore, might be the opinion of the Committee, were proper for them to express one, they assume the decision to be correct until reversed by the Supreme Court, the decisions of which Court are the supreme law of the land, in the same sense, and to the same extent, that laws constitutionally passed by the Legislature are so denominated. But because the Senate may differ with the Committee as to the propriety of declining to consider the correctness of the decision of the Eastern Judge, and awaiting the final decision of the Supreme Court, your Committee have deemed it their duty to present those clauses of the Constitution and Laws of this State upon the construction of which the question depends.

The Sixth Clause of the Fifth Article of the Constitution, in these words:

"The Circuit Courts shall have original jurisdiction in all matters civil and criminal, within this State, not otherwise excepted in the Constitution."

Although this clause certainly does not expressly confer any appellate jurisdiction, it is to be noted that it contains no prohibition.

The Tenth Clause of the Fifth Article of the Constitution, in these words:

"A competent number of Justices of the Peace shall be, from time to time, appointed or elected in and for each County, in the same mode, and for such term of office, as the General Assembly may direct, and shall possess such jurisdiction as shall be prescribed by law; and in cases tried before Justices of the Peace, the right of appeal shall be secured, under such rules and regulations as may be prescribed by law."

It may be remarked, that the appeal here provided for does not mention the tribunal to which the same may be taken, but seems to have left that open, as one of the regulations to be "prescribed by law."

By the Schedule and Ordinance, Article 14, Clause 1, it is declared

"That all laws and parts of laws now in force, or which may hereafter be passed by the Governor and Legislative Council of the Territory of Florida, not repugnant to the provisions of this Constitution, shall continue in force until, by operation of their provisions or limitations, the same shall cease to be in force, or until the General Assembly of this State shall alter or repeal the same."

The Act of 1828 was in force and operation when this Consti-

was adopted, and would seem to have been embraced under the cited provision of the Constitution—in which Act are the following words:

“If either party shall be dissatisfied with the judgment of the Justice of the Peace, in any cause tried by him, where the amount in controversy shall exceed the amount of ten dollars, such party may, three days after the adjournment of the Court at which the judgment was rendered, demand an *appeal* to the Circuit Court of this County; and it shall be the duty of said Justice to grant said appeal, upon the appellant’s paying the costs,” &c., &c.

On the second point, as to the power of the Legislature to confer on the Circuit Courts the necessary appellate jurisdiction, the Committee have to remark, that it is obvious that if the Court has appellate jurisdiction under the provisions of the above quoted Act, the Legislature can confer none, for this Act is as full and complete as any which this General Assembly could possibly enact.

On the third point, whether it is expedient to provide for appeals from Circuit Courts from judgments rendered by Justices of the Peace, the Committee are clearly of opinion that such appeals are loudly demanded for the due administration of justice in this State.

On the fourth point, viz: the preparation of a Bill with the necessary provisions, the Committee have to remark, in conclusion, that appellate jurisdiction does not exist at present, it can only be conferred by amendment of the Constitution; but because it does not clearly and entirely appear that Circuit Courts are destitute of this jurisdiction, there not having been a decision of the Supreme Court to that effect—the Committee have not thought it proper to prepare a Bill to amend the Constitution.

The Committee, therefore, recommend that said Communication be memorial be laid on the table, and that it be discharged from the further consideration of the subject.

Respectfully submitted,

M. A. LONG,
Chairman.

which was read and the report of the Committee concurred in. Mr. Hopkins, from the Committee on Taxation and Revenue, made the following Report:

The Committee on Taxation and Revenue have had under consideration a Bill to be entitled an Act authorizing the Governor to borrow money to redeem the outstanding State Script, issued under Act of the 7th January, 1853, and beg leave to

REPORT:

that the Internal Improvement, the Seminary and the School Fund should not be loaned out at so low a rate of interest, because we can have the same can easily be invested so as to realize at least 8 per cent. We do not think the obligation of the State to redeem the

outstanding State Script of so immediate and pressing a character to require the State to borrow money, at any rate of interest, to the same. Indeed, we suppose the General Government will these claims, if properly applied to, as will doubtless be the case we think there exists no necessity for the State to borrow money.

Admitting the power of the State to borrow money to pay debt, as we are disposed to do, although the subject is not without clear of doubts in some minds, still we think the power of loaning money to be repaid by taxation should never be exercised, even under extraordinary circumstances, of the most pressing necessity which we concur in believing do not exist.

EDWARD HOPKINS, Chairman.

I dissent in so far as the rate of interest goes.

E. HOPKINS.

Which was read and the bill placed among the orders of the day.

Also the following:

The Committee on Taxation and Revenue, to whom was referred a Bill to be entitled an Act to amend an Act to raise a Revenue for the State of Florida, and define the duties of the Collectors and Assessors thereof, approved January 24, 1845, have had the same under consideration, and Report, that in their opinion the said bill should not pass.

EDWARD HOPKINS, Chairman.

Which was read and the Bill placed among the orders of the day.

Mr. Smith, from the Committee on Claims and Accounts, made the following report:

The Committee on Claims and Accounts, to whom was referred the Petition for relief of William Raulerson and Ransom F. Smith, have had the same under consideration, and ask leave to report.

REPORT:

That the subject matter under investigation, to wit, a claim of compensation for horses shot, as they say, while in service, should have been rendered, by the Captains of their respective Companies, for the same, in the proper time, with their claim for services, as it would then allowed, have been refunded by the United States; but having slept over it until this late day, for this General Assembly to authorize payment of such claims, and making the State chargeable, would be establishing a bad precedent. We, therefore, however we may sympathize with the parties, do not recommend a bill.

JAMES W. SMITH, Chairman.

Which was read, and the report of the Committee concurred in.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,

January 6, 1855.

Hon. President of the Senate:

SIR:—The following Bills have passed the House, viz:

Bill to be entitled an Act to amend the Attachment Laws now in force in this State;

Bill to be entitled an Act to locate the Seminary of Learning to be established west of the Suwannee River in this State;

Bill to be entitled an Act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River;

Bill to be entitled an Act to provide for the payment of Physicians who are summoned to attend Coroners' Juries;

Bill to be entitled an Act to repeal an Act entitled an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853;

Bill to be entitled an Act defining the duties of Witnesses in the several Courts of this State;

Bill to be entitled an Act to legitimize and change the names of certain persons therein named;

Bill to be entitled an Act for the Preservation of Bridges;

Bill to be entitled an Act amendatory of the Act to provide for the payment of Coroners' Juries, approved January 24, 1851;

Bill to be entitled an Act to cede certain property to the City of New York;

Bill to be entitled an Act to amend an Act for the regulation of the Trade and Pilotage of the Bay and Harbor of Pensacola, passed the 10th of December 22, 1854; and

Bill to be entitled an Act to prevent white females and males living in an open state of Adultery or Adultery and Fornication within the State of Florida, with negroes and other persons of color.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

which was read, and the Bills placed among the Orders of the Day.

On motion the rule was waived, and Mr. Eppes permitted, without previous notice, to introduce a bill to be entitled an Act concerning the powers and jurisdiction of the Court of Chancery; which was placed among the Orders of the Day.

ORDERS OF THE DAY.

Bill to be entitled an Act amendatory of an Act entitled an Act amendatory of the several Acts now in force in this State in relation to trading with negroes;

was read the first time, the rule waived, read the second and third time by its title, and upon the question of its passage, the vote was: Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Gadsden, Long and Tracy—9.

Nays—Messrs. Eppes, Gillis, Myrick, Nicholson and Smith—5.—The said bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to repeal an Act entitled an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes;

Was read the first time and ordered for a second reading on Tuesday next,

A Bill to be entitled an Act relative to the claim of David Hogue for services rendered the State;

Was read the second time and ordered to be engrossed for a third reading on Tuesday next.

A Bill to be entitled an Act for the relief of William Rauler and Ransom Foster;

Was read the first time and ordered for a second reading on Tuesday next.

House Bill to be entitled an Act to adopt an equal and uniform mode of Taxation in this State;

Was read the first time and ordered for a second reading on Tuesday next.

House Resolution fixing a day of adjournment and for other purposes;

Was read the first time, the rule waived, read a second and third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Gillis, Hawes, Myrick, Nicholson, Smith and Tracy—13.

Nays—Messrs. Hopkins and Long—2.

So said Resolution passed.

Ordered that the same be certified to the House of Representatives.

Mr. Tracy moved a re-consideration of the vote just had;

Upon which motion the yeas and nays were called for by Messrs. Eppes and Gillis, and were:

Yeas—Messrs. Eppes, Gillis, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—8.

Nays—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes and Hawes—7.

So the vote was re-considered.

On motion of Mr. Hopkins, the rule was waived, and Mr. Eppes offered the following amendment to said Resolution:

Insert after the figures 1855, in the fifth line, the words "*sine* expensis" and strike out the balance of said Resolution.

Upon which amendment the yeas and nays were called for by Messrs. Eppes and Filor, and were:

Yeas—Messrs. Bird, Eppes, Filor, Gillis, Hopkins, Long, Myrick, Nicholson, Smith and Tracy—10.

Nays—Mr. President, Messrs. Brinson, Cone, Criglar and Eppes—5.

So the amendment was adopted.

Brinson moved to strike out "13" and insert in lieu thereof
' also strike out "Saturday" and insert "Thursday."

which amendment was agreed to, and the resolution read as amended
second time, and the amendments ordered to be engrossed for a
reading on Tuesday next.

Hopkins moved that the Senator elect from Hamilton be per-
mitted to take his seat;

which was carried.

The Senator elect, W. J. J. Duncan, having presented the certifi-
cate of the Secretary of State, was duly sworn by T. J. Eppes, a
Notary Public.

On motion of Mr. Eppes, Mr. Myrick was excused from attend-
ing upon the Senate after to-day.

A Bill to be entitled an Act to create a State Librarian, with House
amendment;

came up in order.

On motion of Mr. Eppes, the amendment was concurred in.
Ordered that the same be certified to the House of Representatives,
the Bill ordered to be enrolled.

A House Bill to be entitled an Act to provide for taking the Cen-
sus of 1855, in this State;

was read the first time and ordered for a second reading on Tues-
day next.

A House Bill to be entitled an Act to authorize the Cuba and Uni-
versities Submarine and Territorial Magnetic Telegraph Compa-
ny to pass lines of Telegraph through the State of Florida and to
act the same;

was read the first time, and on motion of Mr. Hopkins was laid
on the table.

Mr. Provence presented a letter from James Gough;

which was read, and on motion of Mr. Long was referred to the
Committee on Corporations.

On motion the rule was waived, and Mr. Cone permitted, without
previous notice, to introduce a Bill to be entitled an Act to repeal an
Act to amend the several Acts concerning Licenses to retail Spiritu-
ous liquors, and to restore in force the old Acts concerning Licenses;
which was placed among the orders of the day.

A House Bill to be entitled an Act to authorize Absalom W. Smith
to establish a Ferry across the Suwannee River;

was read the first time, the rule waived, read the second and third
times, and upon the question of its passage, the vote was:

Ayes—Messrs. Bird, Brinson, Cone, Duncan, Eppes, Filor, Gillis,
Hins, Long, Nicholson, Provence, Smith and Tracy—13.

Nays—Mr. Kilcrease—1.

The Bill passed—title as stated.

Ordered that the same be certified to the House of Representa-

On motion the rule was waived, and Mr. Kilcrease allowed to introduce, without previous notice, a bill to be entitled an Act in relation to fraudulent Loans of Chattels;

Which was placed among the orders of the day.

House Resolution in relation to Copying the Laws of the present Session, with Senate amendments, in which the House refused to concur;

Came up in order, and was, on motion of Mr. Kilcrease, laid on the table.

Resolution in regard to the Introduction of Bills after the 6th inst.

Was read the third time, and on motion the rule was waived,

Mr. Kilcrease offered the following as an amendment:

Strike out "Saturday" and insert "Monday;"

Which was agreed to.

The Resolution was read the third time as amended, and upon question of its passage, the vote was:

Yeas—Messrs. Bird, Cone, Duncan, Filor, Gillis, Hopkins, Kilcrease and Nicholson—8.

Nays—Mr. President, Messrs. Brinson, Eppes, Hawes, Long, Provence and Smith—7.

So the Resolution passed, as amended.

Ordered that the same be certified to the House of Representatives.

On motion of Mr. Cone, the rule was waived, and the Resolution to adjourn on Thursday next, was read the third time, and upon question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Duncan, Criglar, Eppes, Filor, Gillis, Hopkins, Kilcrease, Nicholson, Smith and Tracy—14.

Nays—Messrs. Hawes, Long and Provence—3.

So the Resolution passed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to provide for the re-establishment of the Records of St. Lucie County;

Was read the third time and put upon its passage, upon which vote was:

Yeas—Mr. President, Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Kilcrease, Long, Nicholson, Provence, Smith and Tracy—15.

Nays—None.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to change the name of Chas. Irvin Vincan, and for other purposes;

Was read the third time, and upon the question of its passage vote was:

as—Mr. President, Messrs. Bird, Criglar, Duncan, Eppes, Filor, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Smith and Tracy—15.

ays—None.

said Bill passed, title as stated.

dered that the same be certified to the House of Representa-

ouse Bill to be entitled an Act relative to Depositions taken un-
Commission;

as read the third time, and upon the question of its passage the
was :

as—Mr. President, Messrs. Bird, Criglar, Duncan, Filor, Gillis,
es, Long, Nicholson, Provence, Smith and Tracy—12.

ys—None.

said bill passed, title as stated.

dered that the same be certified to the House of Representa-

Bill to be entitled an Act for the relief of Cherry, a free woman
lor;

as read the second time, and on motion referred to the Commit-
n Propositions and Grievances.

use Bill to be entitled an Act authorizing the Governor to bor-
money to redeem the outstanding State Script, issued under the
of the 7th January, 1853 ;

as read the third time, and upon the question of its passage the
was :

as—Mr. President, Messrs. Bird, Criglar, Hawes, Kilcrease and
olson—6.

ys—Messrs. Brinson, Cone, Duncan, Filor, Hopkins, Long,
nce, Smith and Tracy—9.

the Bill was lost.

dered that the same be certified to the House of Representa-

motion, the rule was waived, and Mr. Kilcrease moved that Mr.
an be placed on the several Standing Committees in lieu of Mr.
art ;

nich was agreed to.

use Bill to be entitled an Act to amend an Act entitled an Act
se a Revenue for the State of Florida, and defining the duties of
collectors and Assessors thereof, approved July 24, 1845 ;

as read the third time, and upon the question of its passage, the
was :

as—None.

ys—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Dun-
Filor, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence,
and Tracy—15.

the Bill was lost.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to amend the Attachment Law now in force in this State ;

Was read the first time, the rule waived, read the second time, and on motion referred to the Committee on the Judiciary.

House Bill to be entitled an Act to locate the Seminary of Learning to be established West of the Suwannee River, in this State ;

Was read the first time, and ordered to be read a second time Tuesday next.

House Bill to be entitled an Act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River ;

Was read the first time, the rule waived, read the second and third times, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Brinson, Cone, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Provence and Tracy—14.

Nays—None.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

Was read the first time, the rule waived, read the second time its title, and on motion referred to the Committee on the Judiciary.

House Bill to be entitled an Act to repeal an Act entitled an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853 ;

Was read the first time, the rule waived, read the second and third times, and upon the question of its passage the vote was :

Yeas—Messrs. Duncan, Eppes, Gillis, Hawes, Hopkins, Long, Nicholson, Provence and Tracy—9.

Nays—Mr. President, Messrs. Bird, Brinson, Cone and Criglar—5.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Provence, from the Committee on Corporations, made the following report ;

The Committee to whom was referred the communication of James Gough, have had the same under consideration and

REPORT :

That they find Mr. Gough erected his Mill in the year 1844, when the country was new, and when his enterprise made him almost a benefactor to a newly settling country. Your Committee further find that his dam throws water back, and over quite a number

of low swampy land, which the State owns, and which is new to be entered or taken by pre-emption. Your Committee, in view of the above stated facts, offer the accompanying Bill, the provisions of which, in brief, are as follows :

That James Gough shall hereafter be entitled to all the priviledges and franchises to which he might have been entitled, if his dam had been erected by and under authority of an act of the Legislature.

That it shall not be lawful for the Register of the State Lands, or the Trustees mentioned in Section 2d of an act entitled "An Act to provide for and encourage a liberal system of Internal Improvements in this State," to sell the lands over which the water has been or may be backed by the dam of Mr. Gough's Mill.

Respectfully submitted.

D. PROVENCE,

Chairman.

which was read and the Bill placed among the orders of the day, the House Bill to be entitled An Act to define the duties of Witnesses before the several Courts of this State ;

was read the first time, the rule waived, and the Bill read a second time by its title.

Mr. Long offered the following amendment :

Provided, That witnesses shall continue to have the same right to attend and receive their proper fees for attendance from day to day, and the party at whose instance they have been summoned, that is at the rate provided by law.

which was agreed to.

Resolved that the amendment be engrossed for a third reading on Monday next.

Bill to be entitled An Act concerning the Powers and Jurisdiction of the Court of Chancery ;

was read the first time, the rule waived, and the Bill read a second time.

On motion of Mr. Eppes, said Bill was referred to the Committee on the Judiciary.

On motion, the rule was waived, and Mr. Kilcrease, from the Committee on the Militia, made the following report :

The Committee on the Militia, to whom was referred that portion of the Governor's Message relating to the Militia, ask leave to make the following

REPORT :

That it is true the Militia of the State is in a disorganized condition, however, from the want of laws requiring an efficient organization, and from the fact that they are not applicable to the present sparsely settled condition of our State. Our Militia are too much scattered and want of their concentration at one point in sufficient numbers for

Brigade, Regimental, or Battalion musters. With the view of remedying the defects in our present laws and making them applicable to our present condition, the Committee propose the accompanying amendments, and ask their adoption by the Senate.

The Committee do not deem it advisable to abolish the office of Quartermaster-General, or that the State Arms should be turned over to the Treasury, but would recommend their distribution to Volunteer Companies, under certain restrictions, and the passage of a Resolution asking Congress to allow the deposit of our State Arms to be made at the Arsenal at Mount Vernon, and at the Government Stores at Pensacola and St. Augustine.

Amendments Proposed to the existing Militia Laws.

Sec. 4th.—Article 1st.—The Major-General shall attend a drill and review of the Officers of each Regiment of his Division, at least once in every four years.

Article 2d.—The Brigadier-General shall attend a drill and review of the Officers of each regiment of his Brigade, at least once in every two years.

Article 3d.—The Colonel of each Regiment shall, once in each year, call out the Officers of his Regiment, and drill, exercise and instruct them in the Battalion and Regimental drill, for at least ten days.

Article 4th.—The Lieutenant-Colonel and Major shall, once each year, assemble the Officers and non-commissioned Officers of their respective Battalions, and shall instruct and drill them in the School of the Company and Battalion, for at least two days.

Article 5th.—The Captains of each Company shall assemble the Officers and non-commissioned Officers of his Company, at least twice in each year, and shall instruct and drill them in the School of the Soldier and Company, not to exceed two days at any one time.

Strike out the entire 8th Section, relating to Musters.

Sec. 9.—Article 2.—Captains of Companies shall make returns of their strength to the Adjutant of the respective Regiments, on or before the 30th day of June of each year.

Sec. 3.—*General Provisions*—Article 1st.—Strike out the entire Article, and insert a provision for the encouragement of Volunteer Companies.

All of which is respectfully submitted.

WM. E. KILCREASE,
Chairman

Which was read, and the report concurred in.

House Bill to be entitled Act to prevent White Females and Males from living in an open state of Adultery and Fornication, within the State of Florida, with Negroes and other Persons of Color;

Came up.

On motion of Mr. Hopkins, the Bill was indefinitely postponed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled An Act to amend an act for the Regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola, passed the House December 22, 1854 ;

Was read the first time, the rule waived, and the Bill read a second time by its title.

Mr. Criglar offered the following as an amendment, viz :

Provided, That no coasting vessels plying on the Gulf, between West and the mouth of the River Rio Grande, shall be subject to pay any Pilotage, unless the Master shall require the services of a Pilot.

Which was adopted.

Ordered that the amendment be engrossed, and the Bill read a third time on Tuesday next.

House Bill to be entitled an Act amendatory of the Act to provide for the payment of Coroner's Juries, approved 24th January, 1851 ; Was read the first time, the rule waived, read the second and third times by its title, and upon the question of its passage the vote was : Yeas—Mr. President, Messrs. Bird, Brinson, Criglar, Duncan, Eaves, Hawes, Hopkins, Long, Nicholson, Smith and Tracy—12. Nays—Mr. Cone—1.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act for the preservation of Bridges ; Was read the first time and ordered for a second reading on Tuesday next.

On motion of Mr. Long, the following Committee was appointed to consider the same, viz :

Messrs. Filor, Eppes, Brinson, Long and Tracy.

House Bill to be entitled an Act to cede certain property to the State of Key West ;

Was read the first time, the Rule waived, read the second time by title, and on motion of Mr. Filor indefinitely postponed.

Bill to be entitled an Act to repeal an Act entitled an Act to amend the several Acts concerning Licenses to retail Spirituous Liquors, and to restore in force the old Acts concerning Licenses ;

Was read the first time, the rule waived, read the second and third times by its title, and upon the question of its passage the vote was : Yeas—Messrs. Brinson, Cone, Criglar, Duncan, Eppes, Hopkins, Prease and Tracy—8.

Nays—Mr. President, Messrs. Bird, Filor, Gillis, Hawes, Long, Nicholson, Provence and Smith—9.

So the bill was lost.

House Bill to be entitled an Act to legitimize and change the names of certain persons therein named ;

Was read the first time, the rule waived, read the second and third

time by its title, and upon the question of its passage, the vote
Yeas—Messrs. Bird, Brinson, Cone, Criglar, Duncan, Eppes,
Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Nicholson, Prov-
Smith and Tracy—16:

Nays—Mr. President—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Repres-
tives.

A Bill to be entitled an Act to repeal an Act in relation to F-
ulent Loans of Chattels ;

Was read the first time, the rule waived, read the second time
its title, and on motion referred to the Committee on the Judicial

A Bill to be entitled an Act for the Benefit of James Gough

Was read the first time, the rule waived, read the second time
ordered to be engrossed for a third reading on Tuesday next.

On motion the rule was waived, and Mr. Hopkins introduced,
out previous notice, a Bill to be entitled an Act to authorize S-
B. Thompson to establish a Ferry across the South Fork of
Creek ;

Which was read the first time, the rule waived, read the s-
and third times by its title, and upon the question of its passag-
vote was :

Yeas—Mr. President, Messrs. Bird, Brinson, Cone, Criglar,
can, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, N-
son, Provence, Smith and Tracy—17:

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Repre-
tives.

On motion the Senate adjourned until Tuesday morning, 10 o'

TUESDAY, January 9, 1855.

The Senate met pursuant to adjournment.

Rev. Mr. Turner officiated as Chaplain.

A quorum being present ;

Mr. Long informed the Senate of the indisposition of its Pres-
Mr. Snell.

On motion, Mr. Tracy was elected President *pro tem*.

On motion of Mr. Filor, the reading of the Journal was disp-
with.

The following communication was transmitted to his Excel-
the Governor :

HOUSE OF REPRESENTATIVES
January 9, 1855.

His Excellency JAMES E. BROOME,

Governor of the State of Florida

SIR:—We have the honor to inform your Excellency that

Joint Meeting of the General Assembly, held on the 5th inst., for the purpose of electing a Comptroller of Public Accounts, a State Engineer and Geologist, a Treasurer, and Clerk of the Supreme Court;

Mr. Theodore W. Brevard was declared duly elected Comptroller of Public Accounts of the State of Florida;

Mr. Francis L. Dancy was declared duly elected State Engineer and Geologist;

Mr. Charles H. Austin was declared duly elected Treasurer of the State of Florida;

Mr. John P. K. Savage was declared duly elected Clerk of the Supreme Court of the State of Florida.

Very respectfully,

G. D. LIVINGSTON,

Secretary of the Senate.

HUGH A. CORLEY,

Clerk House of Representatives.

The following Bills and Resolution, which had passed both Houses of the General Assembly, and had been enrolled and signed by the presiding officers thereof, were transmitted for approval to the Governor, viz :

An Act in relation to the electing of County Commissioners in Gadsden County;

An Act to empower the County Commissioners of Wakulla County to levy a Tax for the purpose of building a Court House in said County;

An Act explanatory of the several acts in relation to the Migration of Negroes and Free Persons of Color into Key West;

An act to prevent fraudulent voting;

An Act governing Judges of Probate in certain cases;

An Act to change the time of holding the Circuit Court of Calhoun County;

An Act to Improve the Navigation of the Harbor and Bay of Apalachicola;

Resolution relative to the Improvement of St. Johns Bar, and the Preservation of the Site of the St. Johns Light House.

The following Bills and Resolutions, which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled An Act amendatory of an act amendatory of the several acts now in force in this State, in relation to Trading with Negroes;

A Bill to be entitled an Act to authorize Samuel B. Thompson to establish a Ferry across the South Fork of Black Creek;

House Bill to be entitled an Act to provide for the re-establishment of the Records of St. Lucie County;

House Bill to be entitled an Act to change the name of Charles Irvin Vincan and for other purposes;

House Bill to be entitled an Act relative to Depositions taken under Commission;

House Bill to be entitled an Act to authorize W. M. C. Neely to establish a Ferry across the Chattahoochee River;

House Bill to be entitled an Act to authorize Absalom W. Smith to establish a Ferry across the Suwannee River;

House Bill to be entitled an Act amendatory of the Act to provide for the payment of Coroners' Juries, approved January 1851;

House Bill to be entitled an Act to repeal an Act entitled an Act to change the name of Oliver Price to that of Oliver Delk, and for other purposes;

House Bill to be entitled an Act to legitimize and change the name of certain persons therein named;

Resolution in relation to the introduction of Bills; and

House Resolution fixing a day of adjournment and for other purposes, with enclosed amendment.

Mr. Long, from the Committee on the Judiciary, made the following report:

The Judiciary Committee, to whom was referred a bill to be entitled an Act concerning the powers and jurisdiction of the Court of Chancery of the State of Florida, have had the same under consideration, and recommend its passage in the form it now is, the same being agreed to by its author.

Respectfully submitted,

M. A. LONG, Chairman

Which was read, and the Bill placed among the orders of the day.

Also the following:

The Judiciary Committee to whom was referred a bill to be entitled an Act to amend the Attachment Laws in force in this State, have considered the same, and unanimously instruct the undersigned to recommend that the same do not pass. The proposed amendment consists in allowing attachments to issue against a person's property, in the total absence of fraud, whenever the debtor promises to remove *bona fide* from one County in this State to another. The Committee, not to express their sentiments in stronger language, regard the amendment as harsh and altogether unnecessary to the ends of justice.

Respectfully submitted,

M. A. LONG, Chairman

Which was read, and the Bill placed among the orders of the day.

Also the following:

The Judiciary Committee, to whom was referred a bill to be entitled an Act to provide for the payment of physicians who are summoned to attend Coroners' Juries, having considered the same, instruct the undersigned to report that they recommend that the same do pass.

Respectfully submitted,

M. A. LONG, Chairman

Which was read, and the Bill placed among the orders of the day.
Also the following:

The Judiciary Committee, to whom was referred a Bill to be entitled an Act to repeal an Act in relation to fraudulent loans of chattels, have considered the same, and have instructed the undersigned to report as follows:

Upon examination of the Bill, it appears to be a literal copy of an existing statute, with the alteration of one word—the word *two* is substituted for the word *five*. The Act of 1832, at page 217 of Thompson's Digest, of which the Bill referred is a literal copy, with the exception above specified, is regarded by a majority of the Committee as of little or no value, and they do not think the change proposed in the re-enactment as materially improving the same. The majority of the Committee think that a Bill to repeal the Act would deserve more favor than the proposed amendment, and therefore instruct the undersigned to recommend its rejection. But if the Senate should pass the Bill, its title should be amended by striking out the word *repeal*, and inserting the word *amend* in lieu thereof.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was read, and the Bill placed among the orders of the day.

Also the following:

The Judiciary Committee, to whom was referred a Bill to be entitled an Act to extend political equality to Ignatio Phalez and others, have considered the same with more than ordinary interest and care, and with an earnest desire to find sufficient reasons to recommend its passage. But as the only object of the Bill is to confer upon certain persons therein named "all the *political* equality and *rights* of other free American citizens," the Committee are of opinion that the power of the Legislature is incompetent to effect that object. The Constitution of the State can alone confer political rights, and if the persons named in this Bill, being "born of White and Indian blood," are excluded by the Constitution from political equality, it is quite obvious that nothing short of an amendment of the Constitution could include or enfranchise them. The Committee are inclined to the opinion, were it proper to express one in the premises, that the persons named in this bill are already entitled to political equality, notwithstanding their Indian blood, under the provisions of the Constitution, as decided by a high Judicial tribunal of Louisiana in a similar case, it being probable that the framers of the Constitution only aimed to exclude the African race from political rights. Moreover, the Committee are by no means certain that if the persons named in this bill, or their ancestors, were "inhabitants" of this Territory at the date of the treaty of cession of Florida by Spain to the United States, that they are not by that treaty entitled to political equality, independent of the Constitution. But both of these questions being strict-

ly judicial in their character, may not be determined by the Legislature, because *all* "the judicial power of this State" is vested in the *Courts* mentioned in the Constitution.

The Committee, therefore, while they sincerely hope that persons so much moral and social worth and respectability as those in this bill are represented to be, may be speedily admitted to the full enjoyment of that political equality for which they are so qualified, by proper and legitimate means, they are constrained to declare it as their opinion that the Legislature are incompetent to accomplish that object.

Respectfully submitted,

M. A. LONG

Chairman Judiciary Committee

Which was read, and the Bill placed among the orders of the day.

Mr. Filor, from the Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills have examined and find the following bills :

A Bill to be entitled an Act relative to the claim of David Hogue for services rendered the State ; and

A Bill to be entitled an Act for the benefit of James Gough,

Respectfully submitted,

JAMES FILOR, Chairman

Which was read, and the Bills placed among the orders of the day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES,

January 9, 1855.

Honorable President of the Senate :

SIR :—The House has passed Senate Bill to be entitled an Act granting certain Lands to the Palatka and Micanopy Plank Road Company, with the following amendment, viz :

Strike out Section 6.

The House has refused to concur in Senate amendment to the Bill to be entitled an Act to amend an Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives

Which was read, and the Bills placed among the orders of the day.

Also the following :

HOUSE OF REPRESENTATIVES,

January 8, 1855.

Hon. President of the Senate :

SIR :—The House has passed the following Bills and Resolutions, viz :

A bill to be entitled An act incorporating the Florida and Miami Railway Company ;

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes;

A bill to be entitled An act to prevent persons from attempting to entice or steal negroes;

A bill to be entitled An act to prevent the employment of negroes as Pilots on the waters of the St. Johns River;

A bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws of this State;

Resolution asking that the New Orleans and Key West mail steamers be required to touch at St. Andrews;

Resolution for the relief of L. C. Demilly;

Senate bill to be entitled An act for the relief of James M. Landrum, Solicitor of the Western Circuit of Florida;

Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

A bill to be entitled An act to amend the 4th clause of the 3d chapter of the 4th division of the laws, in relation to Crimes and Misdemeanors;

A bill to be entitled An act to establish a regular rate of Commissions for all persons acting as Agents for masters of ships or vessels at the Port of Key West;

A bill to be entitled An act to prevent persons encamping, from leaving fire at their camps; and

Resolution to pay Agents for selecting Swamp Lands.

The House has ordered the printing of 75 copies of a bill to be entitled An act to amend An act to incorporate the Pensacola and Georgia Railroad Company.

Very respectfully,

HUGH A. CORLEY,

Clerk House Representatives.

Which was read and the Senate Bills ordered to be enrolled, and the House Bills and Senate Bills with amendments placed among the orders of the day.

ORDERS OF THE DAY.

A Bill to be entitled an Act to incorporate a Bank in the city of Tallahassee;

Was read the second time by its title and ordered to be engrossed for a third reading on to-morrow.

House Bill to be entitled an Act defining the duties of Witnesses in the several Courts of this State;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Bird, Criglar, Duncan, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Provence, Smith, Tracy and Wynn—13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to amend an Act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola, passed the House December 22, 1854;

Was laid on the table.

House Bill to be entitled an Act to adopt an equal and uniform mode of Taxation in this State;

Was read the second time.

Mr. Hopkins moved that the same be indefinitely postponed;

Upon which motion the yeas and nays were called for by Mr. Criglar and Long, and were:

Yeas—Messrs. Duncan, Eppes, Gillis, Hopkins, Nicholson, Provence and Tracy—7.

Nays—Messrs. Bird, Cone, Criglar, Filor, Hawes, Long, Smith and Wynn—8.

So the Bill was not indefinitely postponed.

Mr. Hopkins moved that all after the enacting clause be struck out;

Upon which motion the yeas and nays were called for by Mr. Criglar and Filor, and were:

Yeas—Messrs. Cone, Duncan, Eppes, Gillis, Hopkins, Nicholson, Provence and Tracy—8.

Nays—Messrs. Bird, Criglar, Filor, Hawes, Kilcrease, Long, Smith and Wynn—8.

So the motion was lost.

Mr. Hopkins moved to strike out the Capitation Tax from the First Section;

Upon which motion the yeas and nays were called for by Mr. Eppes and Gillis, and were:

Yeas—Messrs. Duncan, Eppes, Gillis, Hopkins, Kilcrease, Nicholson, Smith and Tracy—8.

Nays—Messrs. Bird, Cone, Criglar, Filor, Hawes, Long, Provence and Wynn—8.

So the motion was lost.

Mr. Eppes moved to insert "twenty cents" instead of "cents";

Upon which motion the yeas and nays were called for by Mr. Hopkins and Gillis, and were:

Yeas—Messrs. Duncan, Eppes, Gillis, Hopkins, Kilcrease, Nicholson, Provence and Tracy—8.

Nays—Messrs. Bird, Cone, Criglar, Filor, Hawes, Long, Smith and Wynn—8.

So the amendment was lost.

Mr. Long moved to amend the Second Section by striking "three hundred and fifty dollars" and inserting "one hundred and fifty dollars";

Upon which motion the yeas and nays were called for by Messrs. Long and Provence, and were :

Yeas—Messrs. Bird, Criglar, Filor, Hawes, Kilcrease, Long and Wynn—7.

Nays—Messrs. Cone, Duncan, Eppes, Gillis, Hopkins, Nicholson, Provence, Smith and Tracy—9.

So the amendment was not adopted.

Mr. Hopkins moved to strike out the third section of said Bill ;

Upon which the yeas and nays were called for by Messrs. Provence and Long, and were :

Yeas—Messrs. Duncan, Eppes, Gillis, Hopkins, Kilcrease, Nicholson, Provence, Smith and Tracy—9.

Nays—Messrs. Bird, Cone, Criglar, Filor, Hawes, Long and Wynn—7.

So the amendment was adopted.

Mr. Eppes moved to strike out in the 6th line of Section 2, "That all the vessels, boats and seines of fishermen, sail vessels, lighters and barges ;"

Upon which the yeas and nays were called for by Messrs. Long and Gillis, and were :

Yeas—Messrs. Duncan, Eppes, Gillis, Hopkins, Nicholson, Smith and Tracy—7.

Nays—Messrs. Bird, Cone, Criglar, Filor, Hawes, Kilcrease, Long, Provence and Wynn—9.

So the amendment was lost.

Mr. Kilcrease moved to strike out "all money loaned" in the 2d Section, and insert "all monies due ;"

Upon which the yeas and nays were called for by Messrs. Eppes and Cone, and were :

Yeas—Mr. Kilcrease—1.

Nays—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Provence, Smith, Tracy and Wynn—15.

So the motion to amend was lost.

Mr. Eppes moved a re-consideration of the vote striking out the third section ;

Which was agreed to, and Mr. Eppes moved to strike out in Section 3 all to the word "Lawyers," so that the section should read, "That no license or tax shall be imposed upon Tavern or Inn-keepers ;"

Upon which amendment the yeas and nays were called for by Messrs. Gillis and Eppes, and were :

Yeas—Messrs. Cone, Eppes, Gillis, Nicholson, Provence and Tracy—6.

Nays—Messrs. Bird, Criglar, Filor, Hawes, Hopkins, Long, Smith and Wynn—8.

So the amendment was not adopted.

Mr. Long moved to amend the 7th Section by striking out the word "eighth," and inserting the word "sixth" in lieu thereof;

Upon which the yeas and nays were called for by Messrs. Eppes and Smith, and were :

Yeas—Messrs. Hawes, Kilcrease, Long and Wynn—4.

Nays—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, Gill Hopkins, Nicholson, Provence, Smith and Tracy—12.

So the amendment was lost.

Mr. Eppes moved to amend the fifth section so as to read, "The no tax shall be assessed or collected which is not authorized by the act;"

Upon which the yeas and nays were called for by Messrs. Smith and Eppes, and were :

Yeas—Messrs. Duncan, Eppes, Kilcrease, Long and Nicholson—5.

Nays—Messrs. Bird, Cone, Criglar, Filor, Gillis, Hawes, Hopkins, Smith, Tracy and Wynn—10.

So the amendment was lost.

Mr. Hopkins moved that the 4th Section be stricken out;

Which was agreed to.

Mr. Provence moved to strike out the second section ;

Upon which the yeas and nays were called for by Messrs. Long and Kilcrease, and were :

Yeas—Messrs. Cone, Duncan, Eppes, Gillis, Hopkins, Nicholson, Provence, Smith and Tracy—9.

Nays—Messrs. Bird, Criglar, Filor, Hawes, Kilcrease, Long and Wynn—7.

So the second section was stricken out.

Mr. Hopkins moved that all after the enacting clause be stricken out ;

Upon which the yeas and nays were called for by Messrs. Long and Criglar, and were :

Yeas—Messrs. Cone, Duncan, Eppes, Gillis, Hopkins, Nicholson, Provence, Smith and Tracy—9.

Nays—Messrs. Bird, Criglar, Filor, Hawes, Kilcrease, Long and Wynn—7.

So the motion was carried.

On motion of Mr. Hopkins, the enacting clause of said bill was indefinitely postponed.

Ordered that the same be certified to the House of Representatives.

Mr. Kilcrease, from a Select Committee, made the following report :

The Select Committee, to whom was referred a Bill entitled "An Act to prevent the deduction of two pounds of Cotton per bale," have had the same under consideration, and instruct the undersigned as their Chairman, to recommend the title of said bill to read thus :

A Bill to be entitled an Act to prevent any deduction on Cotton bales.

And in 1st Section, on 5th line at 7th word, "any deduction on the actual weight of Cotton bales," the balance of the Section be stricken out.

With these amendments we recommend the passage of the bill.

Respectfully submitted,

WM. E. KILCREASE, Chairman.

Which was read, and the Bill placed among the Orders of the Day.

House Bill to be entitled an Act to provide for taking the Census of 1855 in this State;

Was read the second time.

Mr. Hopkins moved to strike out the words "one person," and insert in lieu thereof "Tax Collector."

Which amendment was lost.

On motion of Mr. Cone, the rule was waived, and the bill read a third time by its title.

Upon the question of its passage the vote was:

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Tracy and Wynn—15.

Nays—None.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and Mr. Kilcrease permitted to introduce, without previous notice, a Bill to be entitled an Act to alter and amend the Militia Laws of this State;

Which was placed among the orders of the day.

On motion, the rule was waived, and Mr. Wynn permitted to introduce, without previous notice, a Bill to be entitled an Act relative to taking depositions under Commission;

Which was placed among the orders of the day.

House Bill to be entitled an Act to locate the Seminary of Learning to be established West of the Suwannee River in this State;

Was read the second time and ordered for a third reading on to-morrow.

House Bill to be entitled an Act for the preservation of Bridges;

Was read the second time and ordered for a third reading on to-morrow.

A Bill to be entitled an Act concerning the power and jurisdiction of the Court of Chancery;

Came up, and on motion of Mr. Hopkins was indefinitely postponed.

House Bill to be entitled an Act to amend the Attachment Laws now in force in this State;

Was read the third time, and upon the question of its passage vote was :

Yeas—Messrs. Criglar, Duncan, Kilcrease and Smith—4.

Nays—Messrs. Bird, Cone, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Provence, Tracy and Wynn—12.

So the bill was lost.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act for the relief of William Raul and Ransom Foster ;

Was read the second time.

On motion the rule was waived, and the bill read the third time its title, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Cone, Duncan, Hawes, Hopkins, Kilcrease and Provence—7.

Nays—Messrs. Criglar, Filor, Gillis, Long, Nicholson, Smith, Tracy and Wynn—9.

So the bill was lost.

House Bill to be entitled an Act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

Was read the third time, and upon the question of its passage vote was :

Yeas—Messrs. Criglar, Duncan, Eppes, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Smith, Tracy and Wynn—12.

Nays—Messrs. Bird, Cone, Filor and Gillis—4.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to repeal an act in relation to fraudulent Loans of Chattels ;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

House Bill to be entitled an Act to extend Political Equality to Ignatio Phalez and others ;

Came up, and was, on motion of Mr. Long, laid on the table.

Engrossed Bill to be entitled an Act relative to the claim of P. Hogue for services rendered the State ;

Came up, and was, on motion, laid on the table.

House Resolution relative to copying the Laws of the present session ;

Came up, when, on motion of Mr. Eppes, the Senate receded to consider their amendment to said Resolution.

Ordered that the same be certified to the House of Representatives.

On motion the rule was waived, and Mr. Hopkins offered the following resolution :

Be it resolved, by the Senate and House of Representatives

State of Florida in General Assembly convened, That the Treasurer of this State be authorized to pay to, and the Comptroller to audit the accounts of Henry J. Stewart, contestee, and William J. J. Duncan, contestor, in the case of the Contested Election in the County of Hamilton, the same Mileage and per Diem as is allowed now by law to members of the General Assembly—from the day on which the General Assembly convened, up to the day this body declared the election irregular and returned both parties back to the people.

Which was read the first time and ordered for a second reading on to-morrow.

Engrossed Bill to be entitled an Act for the benefit of James Gough;

Was read the third time, and on the question of its passage the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Filor, Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Tracy and Wynn—13.

Nays—Messrs. Eppes and Gillis—2.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion of Mr. Kilcrease, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met—a quorum present.

The following Bills which had passed the Senate were transmitted to the House of Representatives, viz :

A Bill to be entitled an Act for the benefit of James Gough ;

House Bill to be entitled an Act for taking the Census of 1855 in this State ;

House Bill to be entitled an Act to provide for the payment of Physicians who are summoned to attend Coroners' Juries ; and

House Bill to be entitled an Act defining the duties of Witnesses, with enclosed amendment.

House Bill to be entitled an Act to prevent persons encamping from leaving fires at their camp ;

Was read the first time and ordered for a second reading on to-morrow.

House Bill to be entitled an Act to amend the 4th clause of the 3rd chapter of the 4th division of the Laws in relation to Crimes and Misdemeanors ;

Was read the first time and ordered for a second reading on to-morrow.

House Resolution asking that the New Orleans and Key West Mail Steamer be required to touch at St. Andrews ;

Was read the first time and ordered for a second reading o
morrow.

House Resolution for the relief of L. C. Demilly;

Was read the first time and ordered for a second reading o
morrow.

House Bill to be entitled an Act to amend an Act entitled an
to amend the Patrol Laws of this State;

Was read the first time and ordered for a second reading o
morrow.

House Bill to be entitled an Act to establish a regular rat
Commissions for all persons acting as agents for Masters of Shi
Vessels at the Port of Key West;

Was read the first time, the rule waived, read the second tim
its title, and on motion of Mr. Filor, the bill was indefinitely
poned.

Ordered that the same be certified to the House of Repres
tives.

House Bill to be entitled an Act to prevent the employment o
groes as Pilots on the waters of St. Johns River;

Was read the first time and ordered for a second reading o
morrow.

House Bill to be entitled an Act to prevent persons from atte
ing to entice or steal Negroes;

Was read the first time and ordered for a second reading o
morrow.

House Bill to be entitled an Act to prevent non-residents of
State from hunting or killing any Deer or other game within the
its of this State, and for other purposes;

Was read the first time, the rule waived, read the second tim
its title, and ordered for a third reading on to-morrow.

A Bill to be entitled an Act granting certain Lands to the Pa
and Micanopy Plank Road Company, with House amendments t
to;

Came up in order.

On motion of Mr. Hopkins, the Senate refused to concur in
House amendments.

Ordered that the same be certified to the House of Repres
tives.

House Resolution to pay Agents for selecting Swamp Lands

Was read the first time, the rule waived, and read the second

Mr. Provence offered the following amendment to come in a
end of the resolution:

Provided, That said Agents shall be paid out of the Sw
Land Fund.

Which amendment was agreed to.

The rule was then waived, and the Resolution read the third
and passed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act Incorporating the Florida and Macon Railway Company;

Was read the first time by its title, and made the special order of the day for to-morrow.

A Bill to be entitled an Act to prevent any deduction on Cotton bales;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was:

Yeas—Messrs. Bird, Criglar, Duncan, Filor, Gillis, Hawes, Hopkins, Kilcrease, Provence and Tracy—10.

Nays—Messrs. Eppes, Nicholson and Smith—3,

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to amend an Act in relation to taking Depositions under Commission;

Was read the first time, the rule waived, read the second time and referred to the Committee on Judiciary,

A Bill to be entitled an Act to alter and amend the Militia Laws of this State;

Was read the first time and ordered for a second reading on to-morrow.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 9, 1855, }

Hon. President of the Senate:

SIR:—The House has refused to concur in Senate amendments to Resolution fixing a day of adjournment, and for other purposes,

Very respectfully,

HUGH A. CORLEY,
Clerk House of Representatives.

Which was read, and on motion of Mr. Hopkins the Senate receded from its amendments.

Ordered that the same be certified to the House of Representatives.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
TALLAHASSEE, January 9, 1855. }

Hon. H. V. SNELL,

President of the Senate:

SIR:—I respectfully nominate Samuel W. Burnett as Auctioneer in and for the County of Alachua.

JAMES E. BROOME,

Which was read, and the nomination therein made advised concurred in.

Also the following :

EXECUTIVE CHAMBER,
TALLAHASSEE, January 6, 1855.

Hon. H. V. SNELL,

President of the Senate :

SIR :—I respectfully present the following nominations for the vice and consent of the General Assembly :

For the County of Volusia :

For Auctioneer—Douglas Dummett.
For Judge of Probate—H. H. Williams.
For Clerk of Circuit Court—Virgil Dupont.
For County Commissioners—John D. Sheldon, H. E. Osteen,
bert Chandler, J. C. Houstoun.
For Sheriff—John Craig.
For Justices of the Peace—Ora Carpenter, John Bethel.

For the County of Monroe :

Auctioneers—Alexander Patterson, G. L. Bowne, George W.
ry, Wm. A. Pitcher, B. H. Kerr.
Commissioners of Pilotage for Key West—Cornelius Curtis,
Curry, Sr., Frederick Filer, Felix Senac, A. Patterson.

For the County of Hamilton :

Auctioneer—Solomon Rouse.

For the County of St. Johns :

Auctioneer—Matthew R. Andrew.

For the County of Gadsden :

Auctioneer—Thomas D. Wilson.

For the County of Marion :

Auctioneers—George Helvenston, Allen J. Cassady.

For the County of Walton :

Auctioneer—Daniel G. Gunn.

For the County of Escambia :

Auctioneer—George W. Hutton.

For the County of Hillsborough :

Port Wardens for Tampa—William Cooley, William As
William D. Freeman.

Auctioneers—James D. Green, William L. Campbell.

For the County of Columbia :

Auctioneer—William O. Jeffries.

For Wakulla County :

Auctioneer—A. B. Noyes.

Respectfully,
JAMES E. BROOM

Which was read, and the nominations therein contained were advised and concurred in.

Also the following ;

EXECUTIVE CHAMBER,
TALLAHASSEE, January 9, 1855. }

HON. H. V. SNELL,

President of the Senate :

SIR :—I have approved and signed the following Acts and Resolution :

An Act to amend an Act entitled an Act to permanently fix the Election Precincts of Columbia County, and to repeal certain Acts therein named, approved January 8, 1853 ;

An Act to authorize William Webb to establish a Ferry across Escambia Bay ;

An Act to empower Charles H. Longworth, of Gadsden County, to manage his own estate ;

An Act to prevent white persons from gaming with negroes and other persons of color ;

An Act to amend an Act in relation to Pilotage at the Port of Key West ;

An Act to authorize the drainage of the Alachu Savannah ;

A Resolution respecting the establishment of a Mail Route from Tallahassee, via Sopchoppy, to White Bluff or Pickettsville, on the Apalachicola Bay ;

An Act to authorize Thomas H. Willis to assume the management of his own estate.

Respectfully,

JAMES E. BROOME

Which was read.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 9, 1855. }

Hon. President of the Senate :

SIR :—The following Bills have passed the House, viz :

A Bill to be entitled an Act for the Regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola ;

A Bill to be entitled an Act to authorize Hiram Benner, Daniel Davis and John H. Geiger to construct a Wharf in the city of Key West ;

Senate Bill to be entitled an Act to authorize Celestino Gonzalez to establish a Wharf in the city of Pensacola ;

Senate Bill to be entitled an Act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the city of Pensacola ;

Senate Bill to be entitled an Act granting aid to the County of Putnam to build a Court House and Jail ; and

Senate Bill to be entitled an Act to extend the limitation of merchants' Accounts in this State.

The House has indefinitely postponed Senate Bill to be entitled Act concerning Interest.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives

Which was read, the Senate Bills ordered to be enrolled, House Bills placed among the order of the day.

House Bill to be entitled an Act to authorize Hiram Be Daniel Davis and John H. Geiger to construct a Wharf at the Key West;

Was read the first time, the rule waived, and read the second by its title.

Mr. Filor moved that said Bill be indefinitely postponed;

Upon which the yeas and nays were called for by Messrs. Provenance and Long, and were:

Yeas—Messrs. Lird, Criglar, Eppes, Filor, Gillis, Hopkins, Smith and Tracy—9.

Nays—Messrs. Duncan, Nicholson, Provenance and Wynn—4.

So the Bill was indefinitely postponed.

Ordered that the same be certified to the House of Representatives.

On motion, the rule was waived, and Mr. Tracy, from the Committee on Internal Improvements, made the following report:

The Committee on Internal Improvements, to whom was referred a Bill entitled an Act to incorporate the Tallahassee and Georgia Railroad Company, ask leave to report the Bill back to the Senate without amendment.

E. D. TRACY,

Chairman pro tempore

Which was read, and the Bill placed among the orders of the day.

Mr. Hopkins, from a Select Committee, made the following report:

The Select Committee to whom was referred a Bill to be entitled An Act to regulate the Pilotage of the Bar of the River St. John, have had the same under consideration and

REPORT:

That although the present law regulating Pilotage on the aforesaid Bar, may require some slight amendments or alteration, yet the diversity of opinion existing as to the proper mode of effecting the same, has induced your Committee to set forth the fact that the petition before your honorable body from Duval County, which is in conflict with the provisions of the bill, the terms of which in respect correspond with the views set forth in said petition. Further, that the bill itself is unaccompanied by petition or memorial. Therefore, these accounts your Committee are unwilling to recommend its

age, but on the contrary deem it preferable to give a fair opportunity to the Merchants and Ship-owners of the St. Johns further to examine the subject; and should they deem a repeal of the present Pilot law essential or important modifications required therein, to express their opinion, and forward to the adjourned session such amendments as they shall deem proper, and just, so as to enable the Legislature to act understandingly upon the question, and therefore have agreed the Bill shall not be acted on, but lay over as unfinished business to be taken up by the adjourned session.

ED. HOPKINS.

Which was read, and the Bill and report placed among the papers for the adjourned Session, on the 4th Monday in November next.

A Bill to be entitled an Act to incorporate the Tallahassee and Georgia Railroad Company;

Was read the first time, the rule waived, read the second and third times by its title, and upon the question of its passage the vote was:

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Filor, Gillis, Hopkins, Long, Nicholson, Provence, Smith, Tracy and Wynn—13.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Wynn asked leave to record his vote upon the passage of House Bill to be entitled an Act to encourage and provide for a liberal system of Internal Improvements in this State;

Which was granted, and Mr. Wynn voted Nay.

House Bill to be entitled an Act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola;

Was read the first time, rule waived and read the second time by its title, when Mr. Nicholson offered the following amendment:

Provided, That no coasting vessel drawing eight feet or less than eight feet water, plying on the Gulf between Pensacola, Mobile, New Orleans, and the mouth of the River Rio Grande, shall be subject to pay Pilotage unless the master of such vessel shall require the services of a Pilot;

Which amendment was adopted.

On motion, the rule was waived, the Bill as amended read the third time, and upon the question of its passage the vote was:

Yeas—Messrs. Bird, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Nicholson, Smith, Tracy and Wynn—13.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

On motion the Senate adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, January 10, 1855.

The Senate met pursuant to adjournment.

A quorum being present;

On motion of Mr. Hopkins, the reading of the Journal of yesterday was dispensed with.

The following Bills and Resolution, which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled An Act to prevent any Deduction on Cotton Bales;

A Bill to be entitled An Act to Incorporate the Tallahassee Georgia Railroad Company;

House Bill to be entitled An Act for the Regulation of the Pilotage of the Bay and Harbor of Pensacola, with enclosed amendment; and

Mr. Long, from the Committee on the Judiciary, made the following report;

The Judiciary Committee, to whom was referred a Bill to be entitled An Act to amend an act relative to taking Depositions under Commission, have examined the same, and recommend its passage with the annexed amendment, by way of additional section, to be inserted between the Second and Fourth Sections. The amendment is deemed of value, as filling an omission heretofore existing in the law on the subject. When so amended, the Committee recommend the passage of the bill.

Respectfully submitted,

M. A. LONG,
Chairman

Which was read, and the bill placed among the orders of the day.
Mr. Filor from the Committee on Engrossed Bills made the following report:

The Committee on Engrossed Bills beg leave respectfully to report the following Bills as correctly engrossed:

A Bill to be entitled An Act to Incorporate a Bank in the City of Tallahassee;

A Bill to be entitled An Act to amend an act in relation to fraudulent loans of Goods and Chattels.

JAMES FILOR,
Chairman

Which was read, and the bills placed among the orders of the day.

On motion of Mr. Eppes, the vote taken yesterday on the passage of House Resolution in regard to pay of Agents for selecting Swamps and Lands, was reconsidered, and the resolution placed among the orders of the day.

Mr. Hopkins from the Committee on Propositions and Grievances made the following report:

The Committee on Propositions and Grievances, to whom was referred the Memorial of Thomas E. Harvin, have had the said Harvin and one Strickland before them, and being satisfied of the correctness of the statement made by said witnesses, have instructed me, as their Chairman, to introduce the accompanying Bill, which your Committee recommend should pass.

EDWARD HOPKINS,

Chairman.

Which was read, and the bill placed among the orders of the day,
Also the following :

The Committee on Propositions and Grievances have examined a bill to be entitled an Act for the relief of Cherry, a free woman of color. We find that she has ever been an inhabitant of this State; that she does not mix with negroes, and that the Bill simply requires that she may be permitted, with her son, to remain in the State as free persons, their freedom having been granted them by their owner,

E. HOPKINS, Chairman.

Which was read, and the Bill placed among the orders of the day,
Mr. Nicholson, from a Select Committee, made the following report :

The Committee to whom was referred so much of the Governor's Message as relates to the cession of West Florida to the State of Alabama, beg leave to

REPORT:

That while they properly appreciate the Joint Resolution of the General Assembly of the State of Alabama, approved February 15, 1854, they are of the opinion that an Act of such magnitude would be premature on the part of this General Assembly, without reference to the will of the people. We would therefore recommend that some suitable means be adopted, at some future period, for submitting the matter to the qualified electors of the State.

Your Committee would propose that no action be taken at the present time, but beg leave to lay the same over until the adjourned Session to be held on the 4th Monday in November next.

Respectfully submitted,

A. W. NICHOLSON,

Chairman.

Which was read.

On motion, the rule was waived, and Mr. Criglar permitted to introduce, without previous notice, a Bill to be entitled an Act to amend an Act to incorporate the Town of Milton, in Santa Rosa County, approved 23d February, 1844 ;

Which was, on motion, laid on the table until the adjourned Session.

ORDERS OF THE DAY.

House Bill to be entitled an Act Incorporating the Florida Macon Railway Company;

Was read the third time and put upon its passage, upon which vote was :

Yeas—Messrs. Bird, Cone, Duncan, Filor, Gillis, Hawes, Hopkins, Kilcrease, Nicholson, Provence and Tracy—11.

Nays—Messrs. Criglar, Eppes and Wynn—3.

Mr. Provence moved that a Committee of three be appointed the President, to wait upon the Senators who were detained by illness from attendance upon the Senate, and allow them to record their votes upon the Bill.

Which motion was adopted, and Messrs. Provence, Bird and Hopkins appointed said Committee, who, upon their return, reported vote as follows:

Yeas—Mr. President and Mr. Brinson—2.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion the rule was waived, and Mr. Gillis moved that Senator from Escambia, Mr. Nicholson, be excused from attending on the Senate after to-day.

Which motion was adopted.

On motion of Mr. Long, the Senate was invited to attend the funeral of Gen. John P. Duval, this day ;

Which invitation was respectfully declined, on account of press of business before the Senate.

Resolution in regard to payment of accounts of Messrs. State and Duncan ;

Was read the second time, the rule waived, read the third time adopted.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act for the preservation of Bridges.

Was read the third time and put upon its passage, upon which vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, C. Hawes, Hopkins, Kilcrease, Long, Nicholson, Provence, Tracy and Wynn—15.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to amend an Act entitled an Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852, with Senate amendments thereto, in which the House refused to concur ;

Came up in order.

On motion of Mr. Provence to recede from the amendments thereto, the yeas and nays were called for by Messrs. Duncan and Hopkins, and were :

Yeas—Messrs. Bird, Cone, Eppes, Filor, Hawes, Kilcrease, Long, Provence and Wynn—9.

Nays—Messrs. Duncan, Criglar, Gillis, Hopkins and Nicholson—5.

So the Senate receded from their amendments.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to locate the Seminary of Learning to be established west of the Suwannee River in this State ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Hawes and Long—2.

Nays—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Gillis, Hopkins, Kilcrease, Nicholson, Tracy and Wynn—11.

So the Bill was lost.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to amend the Militia Laws of this State ;

Was read the second time and ordered to be read a third time on to-morrow.

House Bill to be entitled an Act to prevent persons from leaving fire at their camps ;

Was read the second time, and on motion of Mr. Gillis, the Bill was indefinitely postponed.

House Bill to be entitled an Act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, Gillis, Hawes, Long, Nicholson, Tracy and Wynn—12.

Nays—Mr. Hopkins—1.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to prevent the employment of Negroes as Pilots on the waters of St. Johns River ;

Was read the second time and ordered for a third reading on to-morrow.

House Bill to be entitled an Act to amend an Act entitled an Act to amend the Patrol Laws of this State ;

Was read the second time and ordered for third reading on to-morrow.

House Resolution for the relief of L. C. Demilly ;

Was read the second time and ordered for a third reading tomorrow.

House Resolution asking that the New Orleans and Key Mail Steamers be required to touch at St. Andrews ;

Was read the second time, and ordered for a third reading tomorrow.

House Bill to be entitled an Act to amend the 4th Clause of Chapter of the 4th Division of the Laws in relation to Crimes Misdemeanors ;

Was read the second time, and ordered for a third reading tomorrow.

A Bill to be entitled an Act to amend an Act relative to taking positions under Commission ;

Was read the second time.

Mr. Long offered the following additional Section :

SEC. 3. *Be it further enacted*, That all Commissioners in this for taking depositions, shall be and they are hereby authorized to administer oaths to any witnesses produced before them.

Which was adopted.

The Bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Engrossed Bill to be entitled an Act to incorporate a Bank of the City of Tallahassee ;

Came up on its third reading.

On motion, the rule was waived, and Mr. Long permitted to offer the following special amendment :

Amend the 7th Section of the Bill by inserting in the 15th line after the word "State," the following :

" *Provided, nevertheless*, That it shall become lawful for the Comptroller of this State to subscribe for one-fifth part of the Capital of said Bank, to be paid for from the School Fund of said State in the manner and form required of other subscribers, in the fifth Section of this Act."

Mr. Criglar offered the following amendment to said amendment

Provided, That the President and each Director and Stockholder be individually responsible for the whole amount of such School Fund so received.

Which was adopted.

Upon the adoption of the amendment as amended, the yeas and nays were called for by Messrs. Eppes and Nicholson, and were

Yeas—Messrs. Bird, Criglar, Hawes, Kilcrease and Long—

Nays—Messrs. Cone, Duncan, Eppes, Gillis, Hopkins, Nicholson, Smith, Tracy and Wynn—9.

So the amendment was not adopted.

Upon the question of the passage of the Bill, the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Filor, Gillis, Hawes, Kilcrease, Long, Nicholson, Smith, Tracy and Wynn—13.

Nays—Messrs. Eppes and Hopkins—2.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled an Act to amend an Act in relation to fraudulent loans of chattels;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Messrs. Bird, Criglar, Kilcrease and Long—4.

Nays—Messrs. Cone, Duncan, Eppes, Hawes, Hopkins, Nicholson, Smith, Tracy and Wynn—9.

So the Bill was lost.

A Bill to be entitled an Act for the relief of Cherry, a free woman of color;

Was read the second time, the rule waived, read the third time by its title, and upon the question of its passage the vote was:

Yeas—Messrs. Bird, Duncan, Criglar, Eppes, Hawes, Hopkins, Kilcrease, Long, Smith, Tracy and Wynn—12.

Nays—Mr. Cone—1.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Resolution to pay Agents for selecting Swamp Lands, as amended by the Senate;

Came up in order.

On motion of Mr. Eppes, the Senate re-considered the amendment as made on yesterday.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to repeal an Act for the relief of George W. Philips;

Was read the first time and ordered for a second reading on tomorrow.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 10, 1855. }

Hon. President of the Senate :

SIR:—The following Bills have passed the House, viz :

A Bill to be entitled an Act to alter and change the laws now in force in this State in reference to the limitation of actions;

A Bill to be entitled an Act providing the manner of carrying up appeals from the Justices' Courts, and for other purposes;

A Bill to be entitled an Act to extend the time for the enjoyment of Chartered privileges by the Columbus Bridge Company;

A Bill to be entitled an Act to organize the County of Liberty;

A Bill to be entitled an Act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia; and
Senate Bill to be entitled an Act to create a fifth Judicial Circuit in this State, with the enclosed amendments.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representatives

Which was read and the Bills placed among the orders of the day.
House Bill to be entitled an Act providing the mode and manner of carrying up appeals from the Courts of Justices' of the Peace and for other purposes;

Was read the first time, the rule waived, read the second time its title, and on motion, referred to the Committee on the Judiciary.

House Bill to be entitled an Act to extend the time for the enjoyment of the Chartered privileges of the Columbus Bridge Company.

Was read the first time and ordered for a second reading on tomorrow.

House Bill to be entitled an Act to organize the County of Liberty;

Was read the first time and ordered for a second reading on tomorrow.

House Bill to be entitled an Act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia.

Was read the first time, the rule waived, read the second time its title, and on motion referred to the Committee on Claims and Accounts.

House Bill to be entitled an Act to alter and change the laws in force in this State in reference to the limitation of actions;

Was read the first time, and ordered for a second reading on tomorrow.

The following Bills and Resolutions, which had passed the Senate, were transmitted to the House of Representatives, viz:

A Bill to be entitled an Act to incorporate a Bank in the City of Tallahassee;

A Bill to be entitled an Act for the relief of Cherry, a free woman of color;

House Bill to be entitled an Act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purpose;

House Bill to be entitled an Act for the preservation of Bridges.

House Bill to be entitled an Act incorporating the Florida and Indian Railway Company;

Resolution in relation to payment of accounts of Henry J. Stevenson and W. J. J. Duncan; and

House Resolution to pay Agents for selecting Swamp Lands.

On motion, the Senate adjourned until to-morrow morning 10 o'clock.

THURSDAY, January 11, 1855.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present ;

On motion of Mr. Filor, the reading of yesterday's Journal was dispensed with.

Mr. Hopkins offered the following preamble and resolution :

WHEREAS, Much inconvenience is experienced by the Citizens of the Counties of Duval, Putnam and Alachua, in the State of Florida, residing on, and in the vicinity of the Bellamy Road, leading from the St. John's River, to Newnansville in the County of Alachua, for want of mail facilities : *And Whereas*, the rapidly growing and increasing population of those Counties between said points, call for the establishment of a Mail Route and Post Offices along said line : *And Whereas*, The speedy transmission of intelligence and communication is of the first importance to this, as well as other portions of the country ; Therefore,

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators and Representative in Congress be, and hereby are requested to procure if possible, the establishment of a Mail Route between said points, and the establishment of Post Offices at Danielsville in the County of Putnam, and at the Sand Hills in the County of Alachua, and the transmission of semi-weekly Mails over said route, going and returning in two horse post coaches.

Be it further resolved, That a copy of this preamble and resolution, duly certified, be transmitted by his Excellency the Governor to our Senators and Representative in Congress.

Which was read the first time,

On motion, the rule was waived, read the second and third times by its title and adopted.

Ordered that the same be certified to the House of Representatives.

The following Message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
Tallahassee, January 10, 1855. }

Hon. H. V. SNELL,

President of the Senate :

SIR :—I respectfully submit the following nominations for the advice and consent of the General Assembly :

For Adjutant and Inspector General, Caraway Smith ;

For Pay Master General, Edward Houstoun.

JAMES E. BROOME.

Which was read, and the nominations therein contained were advised and consented to.

Also the following :

EXECUTIVE CHAMBER,
TALLAHASSEE, January 10, 1855.

Hon. H. V. SNELL,

President of the Senate :

SIR:—I have approved and signed the following Bills and Resolutions:

An Act relating to electing County Commissioners in Gadsden County;

An Act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House;

An Act explanatory of the several acts in relation to the migration of negroes and free persons of color into Key West;

An Act to prevent fraudulent voting;

An Act to change the time of holding Circuit Court in Calhoun County;

An Act to improve the navigation of the Harbor and Bay of Apalachicola;

Resolution in relation to the improvement of St. John's Bar, &c.

An Act governing Judges of Probate in certain cases.

Respectfully,

JAMES E. BROOMFIELD

Which was read.

Mr. Long, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have examined and report as follows:—The following Bills have been correctly enrolled the following:

An act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola;

An act to change the mode of compensating the several Solicitors or Prosecuting Attornies of this State;

An act to extend the limitations of Merchants' Accounts in this State;

An act for the relief of James M. Landrum, Solicitor of the Western Circuit of the State of Florida;

An act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola;

An act granting aid to the County of Putnam to build a Court House and Jail;

An act to create a State Librarian.

Respectfully submitted,

M. A. LONG,

Chairman Committee on Enrolled Bills

Which was read.

Mr. Filor from the Committee on Engrossed Bills made the following Report:

The Committee on Engrossed Bills have examined and find the following Bills correctly engrossed:

A bill to be entitled An act to amend an act relative to taking Depositions under Commission.

Respectfully submitted,

JAMES FILOR,
Chairman.

Which was read, and the Bill placed among the Orders of the Day.

Mr. Long, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred "A Bill to be entitled an Act providing the mode and manner of carrying up appeals from Courts of Justices of the Peace, and for other purposes," having considered the same, instruct the undersigned to report as follows:

The first section of the bill has two objects: one of which is to reduce the amount in controversy, over which the Supreme Court may exercise appellate jurisdiction, to fifty dollars and under, the present law. The Act of 1845 provides at present, "that the Supreme Court of this State, shall have and exercise appellate jurisdiction in all cases brought by appeal or writ of error from the several Circuit Courts, where the matter in controversy exceeds in amount or value fifty dollars."

The Committee favor the extension of this appellate jurisdiction to amounts of fifty dollars and under, for which purpose they have instructed the undersigned to prepare the annexed bill, the passage of which they recommend in lieu of the bill referred to them.

The other object of the first section is to allow appeals directly to the Supreme Court from "all Courts of this State," including Justices' Courts; and all the other sections of the bill are intended to regulate such appeals.

The Committee are clearly of opinion that it is not expedient to allow appeals from Justices of the Peace to the Supreme Court, as provided for in the bill under consideration, because it seems obvious to the Committee, Justices of the Peace are generally, if not universally, incapable of preserving and sending up such a perfect record of the whole trial, including all the evidence, as to put the appellate court fully in possession of the merits of the whole case.—Such an appeal the Committee regard as rather spurious and delusive than real and beneficial. The only appeal from a Justice of the Peace, which the Committee regard as practicable to the suitor, is that at present prescribed by law, which is to the Circuit Courts, where the trial is *de novo* upon proof before the Court and Jury, as in other suits. The Committee understand that the bill under consideration has been drawn under the presumption that the law at present, prescribing appeals to the Circuit Courts from Justices of the Peace, is unconstitutional and void. If this is a correct presumption, the Committee are persuaded that the Constitution ought rather to be

amended, so as to confer the necessary appellate jurisdiction to the Circuit Courts, than to allow appeals from Justices of the Peace directly to the Supreme Court, when there seems so little chance of the real merits and evidence in the case being clearly brought before the Supreme Court. Such a right of appeal seems to the Committee little better than no right of appeal.

The Committee have been informed, correctly they suppose, the question whether the right of appeal to the Circuit Courts of this State exists or not, is now depending in the Supreme Court, which arises upon an appeal from the decision of the Judge of the Eastern Circuit. When the Supreme Court shall have determined this question, if the opinion of the Judge of the Eastern Circuit is sustained, then it will be time enough to amend the Constitution so as to confer on the Circuit Courts the necessary appellate jurisdiction.

Without meaning to intimate an opinion upon this question, it being purely judicial and proper for the Supreme Court, the Committee may remark, that although the Judge of the Eastern Circuit has decided that the Act of 1828, allowing appeals to the Circuit Courts from Justices of the Peace, is inconsistent with the Constitution, that Act has been acted upon since the existence of the State Government and the Constitution, in all the Courts of the State, and not before, that the Committee are aware of, been called in question.

On this subject, the Committee beg to call the attention of the Senate to a report which it made on the 6th inst., when considered a memorial of a Justice of the Peace from Marion County.

In conclusion, the Committee remark, that the passage of the herewith annexed bill, will ensure the decision in the Supreme Court of the question presented, because it allows appeals to that tribunal from the Circuit Courts, where the amount in controversy is \$1000 or less, without the passage of which, it would probably become the duty of the Supreme Court to dismiss the appeal, in consequence of the smallness of the amount in controversy.

For these reasons the Committee recommend the passage of the annexed bill in lieu of the one referred.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee

Which was read and the bill and substitute were placed on the Orders of the Day.

Mr. Smith, from the Committee on Claims and Accounts, made the following report:

The Committee on Claims and Accounts, to whom was referred the memorial of M. Whit Smith, have had the same under their consideration, and

REPORT:

That under an Act of the last General Assembly of this State

Whit Smith became the guardian of William Crawford, a lunatic of Hernando County, and conveyed him to the Asylum in Columbia, S. C.; that he became responsible for his board and maintenance in said Institution, and has paid and is bound to pay to said Institution for his support, to 25th March, 1855, five hundred dollars; likewise twelve dollars for the fee of a board of examining Physicians, and the sum of fourteen dollars and 62-100 for clothing in the Asylum. He reports as having paid the sum of two hundred and fifty dollars, for expenses of transportation, for suitable guard, and his own travelling expenses in accompanying him from Hernando County, Florida, to the city of Columbia, South Carolina, and placing him in the Asylum. These sums added together, make the sum of \$776.62.

The Act of the General Assembly conveying this man to the Asylum, declares his estate to be sold, and the proceeds applied to the payment of his debts, and the remainder to be applied towards paying his expenses. According to this provision, M. Whit Smith has sold his estate, and reports the proceeds to be \$1,266.61. The act provides that all claims against said lunatic should be rendered within two months. In this time Col. David Provence, M. Whit Smith and James T. Magbee rendered in their claims—the first for \$200, and the other two for \$500 each, for their services as Attorneys. After the expiration of the two months' limit, Col. B. M. Pearson and Col. A. M. Mitchell rendered in their claims—the first for \$500, and the last for \$200, for like services, making an aggregate of \$1,900 for legal services. The memorialist prays that they may all share in his, the said lunatic's, estate; but if we are confined to the Act making disposal for the settlement of his estate, we cannot, under that law, do anything with the claims that came in after the bar. We think also that the claims for services of that class, charging \$500, are too high, and believe, as said lunatic was not a fit subject to make contracts, that this Assembly have a right to consider of this matter, and recommend a deduction, if they think the charges too high. They therefore recommend that the sum of two hundred dollars each be allowed to James T. Magbee and David Provence, Esq., and that the sum of three hundred and fifty dollars be allowed M. Whit Smith, in consideration of his services and trouble as guardian, in addition to the allowance of seven hundred and seventy-six dollars 62-100, for expenditures, &c., as aforesaid, which will leave a balance due him, after the payments made as recommended, of \$260.01.

The account will then stand thus, for debit side of account:

For payment in the Asylum for lunatic, two years, to 25th March, 1855,.....	\$ 500 00
For clothing,.....	14 62
“ Physicians' fee,.....	12 00
“ expense, &c., conveying to Asylum,.....	250 00
“ amount to J. T. Magbee,.....	200 00
“ “ “ David Provence,.....	200 00
39 S	

Amount brought forward,..... \$1,170
 For amount to M. Whit Smith,..... 35

Credit net amount estate,..... \$1,260 61
 Amount from State,..... 260 01
 \$1,520

We therefore recommend that the Judge of Probate of Hernando County be authorized to give M. Whit Smith, guardian of William Crawford, (lunatic,) his discharge as such guardian, upon his voucher for payment of the above account, and that an Act be passed in favor for the above balance of \$260.01; and further, that this Act provide for the future maintenance of said lunatic in the Asylum, and recommend the passage of the annexed Bill.

JAMES W. SMITH,
 Chairman

Which was read, and the Bill placed among the orders of the day.
 On motion, the rule was waived, and Mr. Cone permitted to introduce, without previous notice, a Bill to be entitled an Act respecting violations of the Sabbath day;

Which was placed among the orders of the day.

ORDERS OF THE DAY.

House Bill to be entitled an Act to prevent the employment of negroes as Pilots on the waters of St. Johns River;

Was read the third time, and on motion laid on the table.

On motion of Mr. Wynn, a Committee, consisting of Messrs. W. Cone and Criglar, was appointed to wait upon the House and the return of a Bill to be entitled an Act to prevent persons engaging from leaving fire at their camps.

The Committee returned, and reported that they had performed duty assigned them.

House bill to be entitled an Act to amend an Act entitled an Act to amend the Patrol laws of this State;

Was read the third time, and upon the question of its passage vote was:

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, G. Hawes, Hopkins, Long, Smith, Tracy and Wynn—13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Resolution for the relief of L. C. Demilly;

Was read the third time, and upon the question of its passage vote was:

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Eppes, Filor, G. Hawes, Hopkins, Long, Smith, Tracy and Wynn—13.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the House of Representatives.

House Resolution asking that the New Orleans and Key West Mail Steamers be required to touch at St. Andrews;

Was read the third time and passed.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to amend the 4th clause of the 3d Chapter of the 4th Division of the Laws relating to Crimes and Misdemeanors;

Was read the third time, and on the question of its passage the vote was:

Yeas—Messrs. Duncan, Eppes, Hopkins, Smith and Tracy—5.

Nays—Messrs. Bird, Criglar, Filor, Gillis, Hawes, Long, Provence and Wynn—8.

So the Bill was lost.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company;

Was read the second time, and ordered for a third reading on tomorrow.

House Bill to be entitled an Act to alter and change the laws now in force in this State in reference to the limitation of actions:

Was read the second time, and referred to the Committee on the Judiciary.

House Bill to be entitled an Act to organize the County of Liberty;

Was read the second time.

Mr. Kilcrease moved to amend said Bill by striking out the word "Liberty," wherever it occurs, and substituting the word "Chason;"

Which motion was lost.

On motion, the Bill was laid on the table, and 75 copies ordered to be printed.

A Bill to be entitled an Act to amend the Militia Laws of this State;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Messrs. Bird, Criglar, Filor, Hawes, Hopkins, Kilcrease, Long, Provence, Smith, Tracy and Wynn—11.

Nays—Messrs. Duncan and Gillis—2.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to repeal an Act for the relief of Geo. W. Phillips, approved January 14, 1853;

Was read the second time, the rule waived, read the third time its title, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Criglar, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long, Smith, Tracy and Wynn—11.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Engrossed Bill to be entitled an Act to amend an Act relating to taking depositions under commission ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Filor, Gillis, Hopkins, Long, Provence, Tracy and Wynn—11.

Nays—Messrs. Hawes, Kilcrease and Smith—3.

So the Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act providing the mode and manner of carrying up appeals from the Courts of Justices of the Peace and for other purposes ;

Was read the second time.

Mr. Long moved to amend the bill by striking out the title and inserting the following :

An Act allowing appeals to the Supreme Court in cases where the amount is fifty dollars or less,

Strike out all after the enacting clause and insert as follows :

That hereafter it shall be lawful for the Supreme Court of this State to entertain jurisdiction of appeals or writs of error, in cases where the amount is fifty dollars or less ; and that all laws inconsistent with this Act be and the same are hereby repealed.

Which was adopted.

The Bill was read the second time as amended, and ordered engrossed for a third reading on to-morrow.

A Committee was received from the House of Representatives who returned a bill to be entitled an Act to prevent persons enjoining from leaving fire at their camps ;

Which bill was placed among the orders of the day.

A bill to be entitled an Act respecting violations of the Sabbath

Was read the first time and ordered for a second reading on to-morrow.

A Bill to be entitled an Act for the relief M. Whit Smith ;

Was read the first time, the rule waived, read the second time and ordered to be engrossed for a third reading on to-morrow.

The following Bills which had passed both Houses of the General Assembly, and been enrolled and signed by the presiding officer thereof, were transmitted for approval to his Excellency the Governor, viz :

An Act to create a State Librarian ;

An Act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola ;

An Act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola ;

An Act for the relief of J. M. Landrum ;

An Act changing the mode of compensating the several Solicitors or Prosecuting Attorneys of this State ; and

An Act to extend the limitation of Merchants' accounts in this State.

House Bill to be entitled an Act to prevent persons from attempting to entice or steal Negroes ;

Was read the third time, and on motion of Mr. Hopkins was indefinitely postponed.

A Bill to be entitled an Act creating a fifth Judicial Circuit, with House amendments thereto ;

Came up in order.

Upon the question of concurring in said amendments, the yeas and nays were called for by Messrs. Long and Kilcrease.

On motion, a Committee, consisting of Messrs. Long, Provence and Hopkins, was appointed to proceed with the Secretary to the rooms of Messrs. Brinson and Snell, so as to permit them to record their votes.

The Committee returned, and reported Mr. Brinson to have been too much indisposed to vote, and Mr. Snell voting nay.

It was moved that Mr. Eppes be allowed to record his vote ;

Which was granted.

The vote was :

Yeas—Messrs. Cone, Duncan, Gillis, Hawes, Hopkins, Provence, Smith, Tracy and Wynn—9.

Nays—Mr. President, Messrs. Bird, Criglar, Filor, Kilcrease and Long—6.

So the amendments were concurred in.

Ordered that the same be certified to the House of Representatives.

The Bill as amended was ordered to be enrolled.

House Bill to be entitled An Act to prevent persons encamping from leaving fire at their camps ;

Came up, when on motion the Senate went into Committee of the Whole upon said bill, Mr. Provence in the Chair.

After some time spent therein, the Committee rose, and through their Chairman reported the bill back with amendments, and asked to be discharged ;

Which was concurred in.

The bill as amended was read the second and third times, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Duncan, Filor, G. Hawes, Hopkins, Long, Provence, Smith, Tracy and Wynn—13.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Mr. Provence moved that the vote indefinitely postponing the bill to be entitled an act to adopt an equal and uniform mode of taxation in this State, be reconsidered.

The President decided the motion out of order.

Mr. Provence appealed from the decision of the Chair.

The decision of the Chair was sustained.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 11, 1855.

Hon. President of the Senate :

SIR:—The following Bills and Resolutions have passed the House:

viz:
A bill to be entitled an act to change the time of holding the Circuit Court in the Eastern Circuit of Florida;

A bill to be entitled an act regulating the sale of State Lands for other purposes;

A bill to be entitled an act to regulate and establish the fees of the Secretary of State;

A bill to be entitled an act regulating Quarantine for the Port of St. Marks;

Resolution asking Congress to establish certain Mail Routes in Alachua County; and

Resolution authorizing the Comptroller to audit certain accounts therein named.

The House has concurred in Senate amendments to a bill to be entitled an act for the regulation of Pilots and Pilotage of the Bay Harbor of Pensacola.

The House has appointed Messrs. Haynes, Johnston and DeLoach a Committee to confer with a similar Committee on the part of the Senate, relative to the disagreement upon amendments to a bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives

Which was read and the bills placed among the orders of the Day.

On motion, Messrs. Hopkins, Hawes, and Cone were appointed a Committee of Conference, to act with a similar Committee on the part of the House in relation to House amendments to a bill to be entitled an act granting lands to the Palatka and Micanopy Plank Road Company:

Ordered that the same be certified to the House of Representatives.

House bill to be entitled an act to change the time of holding the Courts in the Eastern Circuit of Florida ;

Was read the first time, on motion, the rule was waived and the bill read the second time by its title.

Mr. Provence offered the following amendment to the title of said bill, viz :

Insert the words "and Fifth Judicial" between the words "Eastern" and "Circuit ;"

Which amendments were adopted, and the bill as amended ordered for a third reading on to-morrow.

House Resolution authorizing the Comptroller to audit certain accounts therein named ;

Was read the first time and ordered for a second reading on to-morrow.

House Bill to be entitled An Act to regulate and establish the Fees of the Secretary of State ;

Was read the first time, the rule waived, and read a second time.

Mr. Hopkins offered the following amendment :

Strike out the words "one dollar," wherever they occur ;

Which amendment was not agreed to.

On motion, the rule was waived and said Bill read a third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Bird, Cone, Criglar, Filor, Hawes, Long, Provence and Wynn—8.

Nays—Messrs. Duncan, Gillis, Hopkins, Smith and Tracy—5.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled, An Act regulating Quarantine for the Port of St. Marks ;

Was read the first time, the rule waived, read the second and third times by its title, and upon the question of its passage the vote was :

Yeas—Messrs. Bird, Criglar, Duncan, Filor, Gillis, Hawes, Hopkins, Long, Provence, Smith, Tracy and Wynn—12.

Nays—None.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

House Resolution asking Congress to establish certain Mail Routes in Alachua County ;

Was read the first time and ordered for a second reading on to-morrow.

House Bill to be entitled An Act regulating the sale of State Lands, and for other purposes ;

Was read the first time and ordered for a second reading on tomorrow.

On motion, leave was granted Messrs. Provence and Smith to record their votes upon the passage, yesterday, of a House Bill to be entitled An Act to locate the Seminary of Learning to be established West of the Suwannee River in this State.

Upon the question they voted nay.

The following Bills and Resolutions, which had passed the Senate, were transmitted to the House of Representatives, viz :

A Bill to be entitled An Act to repeal an act entitled an act for the Relief of George W. Phillips, approved January 14th, 1853.

A Bill to be entitled An Act relative to taking Depositions under Commission ;

A Bill to be entitled An Act to amend the Militia Laws of this State ;

House Bill to be entitled An Act regulating Quarantine at the Port of St. Marks ;

House Bill to be entitled An Act to regulate the fees of the Secretary of State ,

House Bill to be entitled an Act to amend an Act entitled an act to amend the Patrol Laws of this State ;

House Bill to be entitled an Act to prevent persons encamped from leaving fire at their camps, with amendments ;

Resolutions in relation to Mail Route from the St. Johns River to Newnansville ;

House Resolution for the relief of L. C. Demilly ; and

House Resolution asking that the New Orleans and Key West Steamers be required to touch at St. Andrews.

On motion of Mr. Filor, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 12, 1855.

The Senate met pursuant to adjournment.

The Rev. Mr. Turner officiated as Chaplain.

A quorum being present, on motion of Mr. Hopkins, the reading of the Journal of yesterday was dispensed with.

The following Bill which had passed both Houses of the General Assembly, and been enrolled and signed by the presiding officers thereof, was transmitted for approval to his Excellency the Governor, viz :

An Act granting aid to the County of Putnam to build a Court House and Jail.

Mr. Filor, from the Committee on Engrossed Bills, made the following report :

The Committee on Engrossed Bills have examined, and find the following Bills correctly engrossed :

A Bill to be entitled an Act for the relief of M. Whit Smith.

Respectfully submitted,

JAMES FILOR,

Chairman.

Which was read, and the Bill placed among the orders of the day.

Mr. Long, from the Committee on the Judiciary, made the following report:

The Judiciary Committee to whom was referred a bill to be entitled an Act concerning Limitations of Actions against the estate of deceased persons, having considered the same, and report that they perceive no valid objection to the passage of the same, nor do they think any great necessity exists for its passage. The Committee return the bill and ask to be discharged from its further consideration.

Respectfully submitted,

M. A. LONG, Chairman.

Which was read, and the Bill placed among the Orders of the Day.

Mr. Long, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have examined and find correctly enrolled an Act to incorporate the Palatka and Micanopy Plank Road Company.

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was read.

Mr. Hopkins, from a Select Committee, made the following report:

The Joint Select Committee of Conference to whom was referred the Senate amendments of House Bill to be entitled an Act to prevent the abduction and escape of slaves from this State, having conferred, ask leave to

REPORT:

That they have agreed to retain all the Senate amendments, and concur therein, except the following:

Strike out the word "Senate," and insert "General Assembly."

EDWARD HOPKINS,

Chairman Senate Joint Select Committee.

M. HAYNES,

Chairman House Joint Select Committee.

Which was read.

Also the following:

The Joint Select Committee of Conference, to whom was referred a bill to be entitled an Act granting Swamp and Overflowed Lands to the Palatka and Micanopy Plank Road Company, have had the same under consideration, and ask leave to

REPORT:

That they have agreed to retain the sixth Section of said striking out all after the word "Alligator" of the same.

EDWARD HOPKINS,
Chairman Senate Committee
M. HAYNES,
Chairman House Committee

Which was read.

A Committee was received from the House, asking the return of a Senate Bill to be entitled an Act amendatory of an Act amendatory of the several Acts now in force in this State in relation to trade with Negroes.

On motion, Messrs. Filor, Kilcrease and Long were appointed a Committee to return said bill.

The Committee returned and reported they had discharged the duty assigned them.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES,
January 12, 1855.

Honorable President of the Senate:

SIR:—The House has passed the following Bills:

A Bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain lands;

A Bill to be entitled an Act to authorize James F. Harley to execute a tract and be contracted with;

A Bill to be entitled an Act for the relief of J. P. K. Savage and Haley T. Blocker, and for other purposes;

A Bill to be entitled an Act to amend an Act to incorporate the Tallapoosa and Georgia Railroad Company;

A Bill to be entitled an Act to change the time of holding Court in the Southern Judicial Circuit of Florida;

A Bill to be entitled an Act to amend an Act entitled an Act to provide for the establishment of two Seminaries of Learning, passed January 24, 1851, and for other purposes;

Senate Bill to be entitled an Act to authorize Samuel D. Howell of Marion County, to assume the management of his own estate;

Senate Bill to be entitled an Act to incorporate the Tallapoosa and Quincy Plank Road Company;

Senate Bill to be entitled an Act to amend an Act entitled an Act to incorporate the Jacksonville and Alligator Plank Road Company;

Senate Bill to be entitled an Act for the relief of Doctor William S. Wilson, and others, with the following amendment, viz:

Strike out "fifty," in the 10th line, and insert "twenty-five" in lieu thereof.

The following Bill has been lost in the House, viz :

Senate Bill to be entitled an Act amendatory of an Act entitled an Act amendatory of the several acts now in force in this State in relation to trading with slaves.

The House has indefinitely postponed the following Bill and Resolution, viz :

Senate Bill to be entitled an Act for the benefit of James Gough ;

Senate Resolution relative to copying the laws of the present Session.

The House has concurred in Senate amendments to a bill to be entitled an Act defining the duties of Witnesses in the several Courts of this State ;

And has refused to concur in Senate amendments to a Bill to be entitled an Act to prevent persons encamping from leaving fire at their camps.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

Which was read, and the House Bills and Bills with amendments placed among the orders of the day, and Senate Bills which had passed both Houses, ordered to be enrolled.

ORDERS OF THE DAY.

House Bill, as amended by the Senate, in relation to Appeals from Justices of the Peace to the Supreme Court of this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. President, Messrs. Bird, Eppes, Filor, Gillis, Hawes, Hopkins, Kilcrease, Long and Tracy—10.

Nays—Messrs. Duncan and Smith—2.

So said Bill passed—title as amended.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act regulating the sale of State Lands, and for other purposes ;

Was read the second time and on motion of Mr. Hopkins was laid on the table.

House Resolution authorizing the Comptroller to audit certain accounts therein named ;

Was read the second time, the rule waived, the resolution read the third time, and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Duncan, Eppes, Filor, Gillis, Hawes, Hopkins, Long, Provence, Smith and Tracy—12.

Nays—None.

So said Resolution passed.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act respecting violations of the Sab
Was read the second time, and on motion referred to a S
Committee, consisting of Messrs. Cone, Gillis and Long.

On motion of Mr. Filor, House Bill to be entitled an Act to au
ize the Cuba and United States Submarine and Territorial Mag
Telegraph Company to pass lines of Telegraph through the S
Florida, and to protect the same, was taken from the table and p
among the orders of the day.

On motion, the rule was waived, and Mr. Long moved tha
Wynn be excused from attendance on the Senate for the balan
th Session ;

Which motion was adopted.

House Bill to be entitled an Act to change the time of holdin
Circuit Courts in the Eastern and Fifth Judicial Circuits of this S

Was read the third time and put upon its passage, upon whic
vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Duncan, Filor, H
Hopkins, Long, Provence, Smith and Tracy—11.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Repre
tives.

House Resolution asking Congress to establish certain Mail R

Was read the second time, the rule waived, read the third
and upon the question of its passage, the vote was :

Yeas—Mr. President, Messrs. Bird, Duncan, Filor, Hawes,
kins, Long, Provence, Smith and Tracy—10.

Nays—None.

So the Resolution passed.

Ordered that the same be certified to the House of Repre
tives.

Engrossed Bill to be entitled an Act for the relief of M. Whit S

Was read the third time and put upon its passage, upon whic
vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Filor, Hawes, Ho
Long, Smith and Tracy—9.

Nays—Mr. Duncan—1.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Repre
tives.

The following message was received from his Excellency the
ernor :

EXECUTIVE CHAMBER,
TALLAHASSEE, January 11, 1853

Hon. H. V. SNELL,

President of the Senate :

SIR:—I have approved and signed the following Acts :

n Act to create a State Librarian ;
 n Act to authorize Celestino Gonzalez to establish a Wharf in
 City of Pensacola ;
 n Act to authorize Gregory Yncistra and F. B. Bobe to estab-
 a Wharf in the City o' Pensacola ;
 n Act for the Relief of J. M. Landrum ;
 n Act changing the mode of Compensating Solicitors, &c. ;
 n Act to extend the Limitation of Merchants' Accounts in this
 e.

Respectfully,
 JAMES E. BROOME.

Which was read.

ouse Bill to be entitled An Act to alter and change the laws
 in force in this State in reference to the Limitation of Actions ;
 as read the second time.

n motion of Mr. Tracy, the Bill was laid on the table.

ouse Bill to be entitled An Act to extend the time for the enjoy-
 t of the chartered privileges of the Columbus Bridge Com-
 ;

as read the third time.

n motion of Mr. Long, the Bill was laid on the table.

ouse Bill to be entitled An Act to amend an act entitled an act
 provide for the establishment of two Seminaries of Learning, ap-
 ed January 24th, 1851, and for other purposes ;

as read the first time and ordered for a second reading on to-
 ow.

ouse Bill to be entitled An Act to authorize James F. Harley to
 tract and be contracted with ;

as read the first time, the rule waived, read the second and third
 s by its title, and upon the question of its passage the vote was :
 eas—Mr. President, Messrs. Bird, Cone, Duncan, Eppes, Filor,
 s, Hawes, Long and Tracy—10.

nays—Mr. Hopkins—1.

o the bill passed, title as stated.

ordered that the same be certified to the House of Representa-

n motion, the rule was waived, and Mr. Cone, from a Select
 mittee, made the following report ;

he Select Committee to whom was referred a Bill respecting
 ations of the Sabbath, have had the same under consideration,
 report the following amendment to the enacting clause :

ert after "&c.," "By the Senate and House of Representatives
 ne State of Florida in General Assembly convened."

ith the above amendment, your Committee recommend the pas-
 of the Bill.

Respectfully submitted,
 WM. H. CONE,
 Chairman.

Which was read, and the Bill placed among the orders of the day for to-morrow.

House Bill to be entitled An Act to change the time of holding Court in the Southern Judicial Circuit of Florida;

Was read the first time, the rule waived, read the second time by its title, and upon the question of its passage the vote

Yeas—Mr. President, Messrs. Bird, Cone, Duncan, Eppes, Hawes, Hopkins, Provence, Smith and Tracy—11.

Nays—None.

So said Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled An Act to amend an act to Incorporate the Pensacola and Georgia Railroad Company;

Was read the first time, the rule waived, read the second time by its title, and on motion of Mr. Hopkins, was laid on the table.

House Bill to be entitled An Act for the Relief of J. P. K. S. and Haley T. Blocker, and for other purposes;

Was read the first time and ordered for a second reading to-morrow.

House Bill to be entitled An Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain Lands;

Was read the first time and ordered for a second reading to-morrow.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES
January 12, 1855.

Hon. President of the Senate :

SIR :—The House has concurred in the Reports of the Committee of Conference in relation to the amendments to the following bills, viz :

A Bill to be entitled An Act to prevent the Abduction and Importation of Slaves from this State;

Senate Bill to be entitled An Act granting certain Lands to the Palatka and Micanopy Plank Road Company.

Very respectfully,

HUGH A. CORLEY
Clerk House Representatives

Which was read.

The Reports of the Committees of Conference were concurred in, and the Bills as amended ordered to be enrolled.

House Bill to be entitled An Act to prevent persons engaged in leaving fire at their camps, with Senate amendments thereto which the House had refused to concur;

Came up in order.

on motion of Mr. Long, the Senate refused to recede from said amendments.

Mr. Long moved that a Committee of Conference be appointed, to with a similar Committee on the part of the House, in relation said amendments.

which motion was agreed to, and Messrs. Long, Smith and Gillis appointed said Committee.

Bill to be entitled an Act for the relief of Dr. William S. Wil- and others, with House amendment thereto;

came up in order.

on motion of Mr. Provence, the Senate concurred in said amend-

dered that the same be certified to the House of Representa- and that the bill as amended be enrolled.

Mr. Smith, from the Committee on Claims and Accounts, made following report:

The Committee on Claims and Accounts, to whom was referred to be entitled an Act to provide for the expenses of Florida in settlement of boundary with the State of Georgia,

REPORT:

that a majority of your Committee are not prepared to make a able report, for the reason that they think the amounts are enor- ly high. It is said to them that like amounts have been allowed eorgia, but that does not change our opinion, as to the value of or labor done. We, therefore, report, so far as we are concerned, orable.

J. W. SMITH, Chairman..

which was read and the Bill placed among the orders of the day. use Bill to be entitled an Act to provide for the expenses of da in the settlement of boundary with the State of Georgia;

as read the second time, and on motion laid on the table.

on motion the rule was waived, and Mr. Long moved a reconsid- on of the vote of yesterday on House Bill to be entitled an Act vent persons from attempting to entice or steal Negroes;

which motion was agreed to, and Messrs. Long, Bird and Cone appointed a Committee to request from the House of Repre- tives the return of said bill.

The Committee returned, and reported that they had performed uty assigned them.

The following message was received from the House of Repre- tives:

HOUSE OF REPRESENTATIVES, }
January 12, 1855. }

President of the Senate :

R :—The House has passed enclosed Bill to be entitled an Act

making appropriations for the expenses of the State Government for the Fiscal year 1855.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives

Which was read and the bill placed among the orders of the House Bill to be entitled an Act making appropriations for the Fiscal year 1855;

Was read the first time, the rule waived, read the second time by its title, and upon the question of its passage the yeas and nays were taken.

Yeas—Mr. President, Messrs. Bird, Cone, Eppes, Long, P. and Tracy—7.

Nays—Messrs. Duncan, Filor, Hawes, Hopkins and Kilcrease. So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

A Committee from the House returned to the Senate House to be entitled an act to prevent persons from attempting to entice or steal negroes.

House Bill to be entitled an Act to prevent persons from attempting to entice or steal negroes;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. President, Messrs. Bird, Cone, Duncan, Eppes, Hawes, Kilcrease, Long, Provence and Tracy—11.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

The following Bills and Resolutions, which had passed the Senate, were transmitted to the House of Representatives, viz:

A Bill to be entitled an Act for the relief of M. Whit Smith.

House Bill to be entitled an Act making appropriations for the Fiscal year 1855;

House Bill to be entitled an Act to prevent persons from attempting to entice or steal negroes;

House Bill to be entitled an Act to change the time of holding Court in the Southern Judicial Circuit of Florida;

House Bill to be entitled an Act to authorize James F. Hall to contract and be contracted with;

House Bill in relation to appeals from the Courts of Justice for Peace, and for other purposes, with enclosed amendments;

House Bill to be entitled an Act to change the time of holding Circuit Courts in the Eastern Circuit of Florida, with enclosed amendment;

House Resolution authorizing the Comptroller to audit certain accounts therein named;

House Resolution asking Congress to establish certain Mail Routes
Alachua County.

On motion of Mr. Tracy, the Senate took a recess until 6½ o'clock
this evening.

6½ O'CLOCK, P. M.

The Senate met—a quorum present.

The following Bill, which had passed both Houses of the General
Assembly, and been duly enrolled and signed by the presiding offi-
cers thereof, was transmitted for approval to his Excellency the Gov-
nor, viz :

An Act to Incorporate the Palatka and Micanopy Plank Road
Company.

The following message was received from the House of Repre-
sentatives :

HOUSE OF REPRESENTATIVES, }
January 12, 1855. }

Mr. President of the Senate: -

SIR:—The following bills have passed the House, viz :
Senate bill to be entitled an act to amend the Militia Laws of this
State ;

Senate bill to be entitled an act to prevent any deduction on Cot-
ton Bales ;

Senate bill to be entitled an act to remove the obstructions to the
navigation of the Suwannee River ;

Senate bill to be entitled an act amendatory of an act entitled an
amendatory of the several acts now in force in this State in rela-
tion to trading with negroes ;

Senate bill to be entitled An act to amend the general act for the
incorporation of Towns, Academies and Religious Societies, approv-
ed January 6, 1847 ; with enclosed amendments, in which the con-
currence of the Senate is respectfully requested.

Substitute to Senate bill to be entitled An act to authorize Samuel
Thompson to establish a ferry across the South fork of Black
Creek, in which substitute the concurrence of the Senate is respect-
fully requested.

The following bill has been lost in the House, viz :

A bill to be entitled An act for the relief of Cherry, a free woman
of color.

Very Respectfully,

HUGH A. CORLEY,

Clk. House Rep's.

Which was read.

Ordered that the Senate Bills which had passed the House without

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amendment be enrolled, and that Senate Bills with amendments be placed among the orders of the day.

On motion of Mr. Hopkins, House Bill to be entitled An Act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to pass lines of Telegraph through the State of Florida, and to protect the same ;

Was taken from the orders for to-morrow, and placed first among the orders of the day for this evening.

House Bill to be entitled an Act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to pass lines of Telegraph through the State of Florida, and to protect the same ;

Was read the second time.

Mr. Long moved to add the following proviso to the end of the 11th Section :

Provided, however, That this Act shall not be construed to create or confer any corporate rights or privileges, and may at any time hereafter be repealed by the Legislature of this State.

Which amendment was adopted.

On motion, the rule was waived, and the Bill as amended read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Cone, Filor, Hawes, Kiler, Long, Smith and Tracy—9.

Nays—Messrs. Duncan, Eppes, Gillis and Hopkins—4.

So said Bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A Bill to be entitled an Act to amend the general Act for the incorporation of Towns, Academies and Religious Societies, approved January 6, 1847, with House amendments thereto ;

Came up in order.

On motion of Mr. Eppes, the Senate concurred in said amendments.

Ordered that the same be certified to the House of Representatives, and the bill as amended be enrolled.

A Bill to be entitled an Act to authorize Samuel B. Thompson to establish a Ferry across the South Fork of Black Creek, with House substitute ;

Came up in order.

On motion, the Senate concurred in said substitute.

Ordered that the same be certified to the House of Representatives, and the substitute ordered to be enrolled.

On motion of Mr. Cone, House bill to be entitled An act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company ;

Was taken from the table and placed among the Orders of the Day.

House bill to be entitled An act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company; was read the third time, and upon the question of its passage, the was :

yeas—Mr. President, Messrs. Bird, Cone, Duncan, Eppes, Filor, Hawes, Kilcrease, Long, Smith and Tracy—12.

nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion the Senate adjourned until to-morrow morning, 9 o'clock.

SATURDAY, January 13th, 1855.

The Senate met pursuant to adjournment.

Quorum being present, on motion of Mr. Tracy, the reading of yesterday's Journal was dispensed with.

The following Bills which had passed the Senate were transmitted to the House of Representatives, viz :

House Bill to be entitled an Act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company;

House Bill to be entitled an Act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to lay lines of Telegraph through the State of Florida, and to provide the same, with amendment.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
January 13, 1855. }

President of the Senate :

Message:—The House has concurred in Senate amendment to a Bill entitled an Act to change the times of holding the Circuit Courts in the Eastern Circuit of Florida.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representatives.

which was read.

On motion the rule was waived, and Mr. Kilcrease offered the following Preamble and Resolution :

Whereas, there are several Bills, &c., of value now before the Senate which cannot be acted upon at this time, therefore,

it resolved, That John G. Smith be, and he is hereby authorized to take charge of the Senate Chamber, as well also the Books, Journals, Stationery, &c., in and belonging to the same, and to keep

and preserve the same for the use of the adjourned session, vember next. And he is hereby instructed not to allow the said ber to be used or occupied for any purpose whatever, or to all of the Chairs, Carpets, Desks, Stationery, or any other thing bel thereto, to be removed from the same, during the time abo eified.

Which was read and adopted.

The following message was received from his Excellency the ernor:

EXECUTIVE CHAMBER,
TALLAHASSEE, January 12, 1855

Hon. H. V. SNELL,

President of the Senate :

SIR :—I respectfully submit the following nominations for t vice and consent of the General Assembly:

For Brevard County :

Auctioneer—William Ransom.

For Levy County :

Auctioneers—Daniel Hogans,
S. L. Edwards.

For Jackson County :

Auctioneer—Robert S. Dickson,

For Duval County :

Port Wardens at Jacksonville—Charles Broward, Her
Holmes, H. H. Hoeg, Theodore Hartridge, F. C. Barrett.
Auctioneer—M. E. Hyams.

Lumber Inspectors—N. H. Vaught, F. B. Land, J. B. Sa
Thomas Bowden, B. Frisbee, Thos. N. McConnell, John M.
den.

For Santa Rosa County :

Auctioneer—Abram Forechimer.

Lumber Inspectors—Wm. McKain, Jesse C. Allen.

For Escambia County :

Port Wardens for the Port of Pensacola—Henry F. Ing
C. P. Knapp, Wm. H. Judah, John Griffin, George H. O'Nea
Respectfully,

JAMES E. BROO.

Which was read.

On motion of Mr. Hopkins, all the nominations therein cor (except F. C. Barrett) were advised and consented to.

Mr. Provence moved that the nomination of F. C. Barrett vised and consented to;

Upon which the yeas and nays were called for by Messrs. kins and Tracy, and were:

Yeas—Mr. President, Messrs. Bird, Duncan, Filor, Hawe prease and Provence—7.

Nays—Messrs. Gillis, Hopkins, Smith and Tracy—4.

So the motion was adopted.

ORDERS OF THE DAY.

House Bill to be entitled an Act to amend an Act entitled an Act provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes;

Was read the second time and ordered for a third reading on the Monday in November next.

House Bill to be entitled an Act for the relief J. P. K. Savage and Haley T. Blocker, and for other purposes;

Was read the second time, the rule waived, the bill read the third time by its title, and upon the question of its passage, the vote was:

Aye—Messrs. Eppes, Gillis, Hawes, Hopkins, Provence, Smith and Tracy—7.

Nays—Mr. President, Messrs. Bird, Duncan, Filor and Kilcrease.

So the Bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

House Bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of State to certain lands;

Was read the second time, the rule waived, the Bill read the third time, and upon the question of its passage, the vote was:

Aye—Mr. President, Messrs. Bird, Duncan, Filor, Gillis, Hawes, Hopkins, Kilcrease, Provence, Smith and Tracy—11.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the House of Representatives.

The following Bills which had passed the Senate were transmitted to the House of Representatives, viz:

House Bill to be entitled an Act for the relief of J. P. K. Savage and Haley T. Blocker, and for other purposes; and

House Bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim to certain lands.

The following message was received from the House of Representatives:

HOUSE OF REPRESENTATIVES, }
January 13, 1855. }

Mr. President of the Senate:

THE HOUSE has passed Senate Bill for the relief of M. Whitcomb, with enclosed amendments, in which the concurrence of the Senate is respectfully requested.

Very respectfully,

HUGH A. CORLEY,
Clerk House Representatives.

Which was read.

On motion, the Senate concurred in House amendments to be entitled an Act for the relief of M. Whit Smith.

Ordered that the same be certified to the House of Representatives, and that the bill as amended be enrolled.

A Committee from the House of Representatives informed the Senate that the House would be prepared to adjourn at 12 o'clock to meet on the 4th Monday in November next, and asked the concurrence of the Senate.

A Bill to be entitled an Act respecting violations of the Sal

Was read the second time, and the Senate refused to have it grossed for a third reading.

The following Message was received from his Excellency Governor:

EXECUTIVE CHAMBER,
Tallahassee, January 13, 1855.

Fellow Citizens of the Senate

and House of Representatives :

I beg leave respectfully to call your attention to the subject of appropriation for the expenses and compensation of the Court recently appointed, under an interlocutory decree of the Supreme Court of the United States, with reference to the settlement of the boundary between this State and Georgia. The bill was filed in this State, and the interlocutory decree made at the request of the courts of both States. The question may be finally disposed of at the present term of the Court, the line ordered to be run, and the final report filed before the meeting of the General Assembly in November next. Without an appropriation, I cannot perform the duty if required, and there is no citizen of the State who would not regret at knowing that his Government, as the plaintiff in this case, had been forced to acknowledge her inability to execute the decree.

I have no fund with which to pay Attorneys' fees long since contracted, nor the expenses and compensation for services rendered by the boundary Commission, appointed by myself, under the law of this State and the official opinion of the Attorney General. I respectfully request that the General Assembly will not adjourn without making the necessary provision, and appointing an officer to audit and settle the accounts.

Very respectfully,

JAMES E. BROOKS

Which was read.

On motion of Mr. Long, House Bill to be entitled an Act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia, was taken from the table and placed among the orders of the day.

House Bill to be entitled an Act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia

was read the third time, and upon the question of its passage the
was :

—Mr. President, Messrs. Bird, Hawes, Kilcrease and Long

—Messrs. Duncan, Eppes, Gillis, Hopkins, Provence, Smith
Tracy—7.

the Bill was lost.

Provence moved a re-consideration of the vote just taken ;

which was agreed to.

motion of Mr. Long, said Bill was referred to a Select Com-
tee, consisting of Messrs. Long, Hawes and Eppes.

The following message was received from the House of Repre-
sentatives :

HOUSE OF REPRESENTATIVES, }
January 13, 1855. }

President of the Senate :

—The following resolution has been adopted by the House of
representatives :

Resolved, That the Speaker adjourn this House, at 9 o'clock, P.
over to the fourth Monday in November, 1855, under Joint Res-
olution of both Houses of this General Assembly.

Very respectfully,

HUGH A. CORLEY,

Clerk House of Representatives.

Long, from a Select Committee, made the following report :
The Select Committee, to whom was referred a Bill to be entitled
to provide for the payment of the expenses of the boundary
with the State of Georgia, having considered the same, instruct
undersigned to recommend the said Bill to be amended by striking
the first and second Sections thereof, and by inserting in lieu
the following :

it further enacted, That the Governor of this State be author-
to order the Comptroller of this State to audit the accounts of
persons heretofore appointed by him, as Commissioner and Sur-
of the boundary line between this State and the State of Geor-
for such amounts respectively to each as the Governor may, up-
vestigation, deem just and proper, and the Treasurer of this State
by authorized and required to pay the amount so audited, out
money in the Treasury not otherwise appropriated.
and that the Sections be re-numbered, so as to correspond with
amendment.

Respectfully submitted,

M. A. LONG,

Chairman Select Committee.

which was read, and the Bill placed among the orders of the day.
The Bill to be entitled an Act to provide for the expenses of
in the settlement of the boundary with the State of Georgia ;

Came up on its second reading.

On motion, the amendments proposed by the Select Committee whom it had been referred, were adopted.

The Bill as amended was read the second time, the rule read the third time, and upon the question of its passage the vote was :

Yeas—Mr. President, Messrs. Bird, Gillis, Hawes, Kilcrease, Provence and Tracy—8.

Nays—Messrs. Duncan, Eppes and Hopkins—3.

So the bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

The following Bill, which had passed the Senate, was transmitted to the House of Representatives, viz :

House Bill to be entitled an Act to provide for the expenditure of money in the settlement of boundary with the State of Georgia.

On motion, the rule was waived, and Mr. Long, from the Committee on Enrolled Bills, made the following report :

The Committee on Enrolled Bills have examined and find the following bill to be entitled :

An Act to create a fifth Judicial Circuit in this State, and to transfer the powers and devolve the duties of Justices of the Supreme Court upon the Circuit Judges ;

An Act to prevent any deduction on cotton bales ;

An Act to remove the obstructions to the navigation of the Apalachicola River ;

An Act for the relief of Doctor Williams S. Wilson and others ;

An Act to authorize Samuel B. Thompson to establish a Bridge or Ferry across the South Prong of Black Creek at Micanopyburg ;

An Act to amend the Militia Laws of this State ;

An Act to amend the general Act for the Incorporation of Academies and Religious Societies, approved January 6, 1847 ;

An Act to Incorporate the Tallahassee and Quincy Plank Road Company ;

An Act to authorize Samuel D. Howse to assume the management of his estate ;

An Act granting certain lands to the Palatka and Micanopy Plank Road Company ;

An Act to amend an Act entitled an Act to incorporate the Apalachicola and Alligator Plank Road Company ;

An Act for the relief of M. Whit Smith ; and

An Act amendatory of an Act amendatory of the several Acts now in force in this State, in relation to trading with Negroes.

Respectfully submitted,

M. A. LONG,

Chairman Committee on Enrolled Bills.

Which was read.

The following Bills, which had passed both Houses of the General Assembly, and been duly enrolled and signed by the presiding officer thereof, were transmitted for approval to his Excellency the Governor, viz :

An Act to create a Fifth Judicial Circuit in this State, and to confer the powers and devolve the duties of Justices of the Supreme Court upon the Circuit Judges ;

An Act to prevent any deduction on Cotton Bales ;

An Act to remove the obstructions to the navigation of the Suwannee River ;

An Act for the relief of Doctor William S. Wilson, and others ;

An Act to authorize Samuel B. Thompson to establish a Toll Bridge Ferry across the South Prong of Black Creek, at Middleburg ;

An Act to amend the Militia Laws of this State ;

An Act to amend the general act for the incorporation of Towns, Academies and Religious Societies, approved January 6, 1847 ;

An Act to incorporate the Tallahassee and Quincy Plank Road Company ;

An Act to authorize Samuel D. Howse to assume the management of his own estate ;

An Act granting lands to the Palatka and Micanopy Plank Road Company ;

An Act to amend an Act entitled an Act to incorporate the Jacksonville and Alligator Plank Road Company ;

An Act for the relief of M. Whit Smith ; and

An Act amendatory of an Act amendatory of the several Acts now in force in this State in relation to trading with negroes.

On motion, the Senate took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The Senate met—a quorum present.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
TALLAHASSEE, January 13, 1855. }

H. V. SNELL,

President of the Senate :

SIR:—I respectfully submit the following nominations for the approval of the Senate :

Board of Education for the East Florida State Seminary—L. C. Williams, John E. Williams, John M. Taylor.

Respectfully,

JAMES E. BROOME,

Which was read and the nominations therein contained were
vised and consented to.

The following message was received from the House of Rep-
tatives :

HOUSE OF REPRESENTATIVES

January 13, 1855.

Hon. President of the Senate :

SIR :—The House has concurred in Senate amendments to
to be entitled an Act to provide for the expenses of Florida
settlement of boundary with the State of Georgia.

Very respectfully,

HUGH A. CORLE

Clerk House Representatives

Which was read.

On motion of Mr. Tracy, a Committee consisting of Messrs.
cy, Duncan and Bird were appointed to wait upon his Excellency,
the Governor, and ask if he had any further communication to

The Committee returned, and reported that they had waited
his Excellency, who informed them that he had no further com-
munication to make to the Senate.

On motion the rule was waived, and Mr. Hopkins moved the
vote on Resolution in relation to giving up the Senate Chamber
safe keeping to John G. Smith be reconsidered ;

Which motion was adopted.

On motion of Mr. Long the resolution was laid on the table.

A Committee from the House informed the Senate they were
prepared to adjourn at half past 3 o'clock.

Mr. Long presented the following Protest, which was ordered
to be spread on the Journals:

PROTEST

*Of a Minority against the Amendments to the Act to establish
Judicial Circuit in this State, so far as said Amendments
signed to remove from Office the present Judges of the Supreme
Court, and to appoint the Circuit Judges to discharge the duties of
the Supreme Court of this State.*

The undersigned, members of the present General Assembly,
voted against the amendments to the Act to establish a Fifth Judicial
Circuit in this State, so far as said amendments are designed to
move from office the present Judges of the Supreme Court, and
appoint the Judges of the Circuit Courts to discharge the duties of
the Supreme Court of this State, being about to separate, and
never to meet on this theatre again, cannot, consistently with a
duty to ourselves, our constituents and the Constitution of our
country, close our official duties without uniting our humble voices
respectfully but firmly, in solemn protest against this Act, as un-
constitutional, unjust and alarming.

The Constitution provides "that on the first Monday in October, the year one thousand eight hundred and fifty-three, and on the first Monday in October every six years thereafter, there shall be elected, by the qualified electors of each of the Judicial Circuits of the State, one Judge of the Circuit Court, who shall reside in the Circuit for which he may be elected, and continue in office for the term of six years from and after the first day of January next succeeding his election, unless sooner removed, under the provisions of the Constitution for the removal of Judges, by address or impeachment; and for wilful neglect of duty, or other reasonable cause which shall not be sufficient ground for impeachment, the Governor shall remove any of them, on the address of two-thirds of the General Assembly: *Provided, however,* That the cause or causes shall be stated at length in such address, and entered on the journals of the House: *And provided further,* That the cause or causes shall be notified to the Judge so intended to be removed, and he shall be permitted to a hearing in his own defence before any vote for his removal shall pass," &c.; and that the Judges of the Supreme Court "shall be elected in the same manner," &c., "*and shall hold their offices for the same term,* and be subject to all the provisions of the first Section: *Provided, however,* That the Judges of the Supreme Court shall be elected by general ticket," &c.

The Justices of the Supreme Court were elected by the people of the State for the term of six years from the first of January, 1854, each term will not expire until the first day of January, 1860. We are it as our solemn conviction that each one of the above quoted provisions of the Constitution has been totally (though not wilfully, are ready to believe,) disregarded in the instance against which we protest. The Judges have not only been condemned unheard, but it is infinitely worse and more unjust, they have not been *openly* charged with any misbehaviour in office, or with any personal delinquency whatever. If there are any complaints or charges against the Judges, either grave or trivial, those who seek to punish them by removal from office, have failed to give the same utterance; they are not profoundly secret, so far as the records of this General Assembly show. This seems to the undersigned to partake of the character of despotic cruelty.

But when the *form* in which the removal sought to be effected is considered, it will appear that there has not been even the least attempt to regard these provisions of the Constitution; not even a decent respect for *appearances* has been observed. There have been articles of impeachment preferred by the House of Representatives, and tried before the Senate, nor any form of address to the Governor, demanding the removal of the Judges by that functionary. The process adopted is a simple act of ordinary legislation, notwithstanding the express language of the Constitution, that the Judges "*shall hold their offices*" for the term of six years from January, 1854. If

this act is carried into execution, the Judges will hold their office only a few days over one year, by an unauthorized fiat or decree which seeks to repeal or nullify the express meaning of the Constitution. We do consider this revolution in its most alarming form. It is an attempt of one department of the Government to crush and destroy the separate and independent character of another co-ordinate department. The Constitution, (Article 2, Clause 1,) declares "the powers of the Government of the State of Florida, shall be divided into three *distinct* departments, and each of them confided to a separate body of magistracy, viz: Those which are Legislative to one; those which are Executive to another; and those which are Judicial to another." Article 4, Clause 1, says; "The Legislative power of this State shall be vested in two distinct branches, &c.;" the 5th Article, Clause 1, declares that "the Judicial power of the State, both as to matters of law and equity, shall be vested in a Supreme Court," &c. Each department of the Government is created for wise ends, and must exist as long as the Constitution endures. There must be a Judicial as well as a Legislative and Executive department. The ultimate powers of that department must be vested in one *Supreme Court*. There must be an Executive department, the supreme powers of that department must be vested in a Chief Magistrate. The Governor can only be removed from his office by a two-thirds, on impeachment. The office cannot be abolished. The Governor cannot be removed from the Governor by any act of the Legislature. The Judges can only be removed from their offices by the means mentioned in the Constitution. The Supreme Court cannot be abolished, any more than the Chief Magistracy of the State, and the Judges, unless removed in pursuance of the Constitution, are entitled to hold their offices during the whole term for which they were elected by the *people*, and commissioned by the Executive. If the Legislature can abolish or discontinue it for one moment, there is no reason to prevent its abolition forever. If the Legislature may turn out of office the Supreme Judges, so may they turn out the Chief Magistrate; for those departments are alike created by the Constitution and filled by the sovereign people. This is the doctrine of the Constitution—it is the doctrine of genuine Republicanism—it was the doctrine of the Republicans in 1802, with Mr. Jefferson at their head. The Republican party in Congress, in 1802, acknowledged that the Supreme Court could not be abolished, nor the Judges removed from office, by an act of ordinary legislation, because the Court was established by the Constitution, and the Judges held their offices for a tenure pointed out in that instrument. It was regarded as being much beyond the power of Congress as the existence of Congress was beyond the power of that Court. The same is even more obviously true in this State, where the Supreme Judges are elected by the people themselves, just as are the members of the Legislature, except that the latter are elected by the people of the Counties or precincts, and the Judges are elected by the people of the whole State.

general ticket," in the language of the Constitution. But this legislature, as if above the Constitution, have arrogated the right to remove the Judges from office, with as little ceremony as if they were its creature and subject to its will and pleasure.

We consider this not only an unconstitutional and high handed measure, but one which, if approved, will prostrate the whole fabric of liberty. We consider this act as an unintentional attempt by a majority of the Legislature to consolidate their power, and perpetuate their supremacy over the rights of the minority and the Constitution by destroying the independence and purity and impartiality of the Judiciary; and if it be countenanced by the people, we believe that our rights will ultimately become subservient to the strong party, or party power; that we shall be governed by factions; that "liberty and equality" will become empty sounds; that the ambitious and unscrupulous will hold in their hands the destinies of our State; that the minority will indeed have no rights; that the freedom of speech and conscience, and the rights of life, liberty and property will depend upon the caprices of a fluctuating majority of the Legislature; that the Courts will be servile and dependent, like those of revolutionary France under Robespierre, and like those of England under the Tudors and Stuarts; and that the Legislature of Florida will become practically as omnipotent as the British Parliament.

These are not the suggestions of heated imaginations, but we fear they may become sober and solemn realities. If this great outrage against the Constitution, upon the Court, and upon the rights of the people, shall be sanctioned, where is our security? The approbation of the people of such an act, would indicate a destitution of that reverence for the organic laws of the land—the primary expression of the will of the sovereign people—which is the soul of every Constitution, and without which no people ever were or ever will be free. The greatest characteristic of republican liberty is found in a written Constitution, dividing the powers of government into separate and distinct departments, the functionaries of each of which being alone responsible to the Constitution and to the people. These separate departments of the people's government are wisely designed to operate wholesome and salutary restraints upon each other. For instance, the veto of the Executive department is designed as a necessary check upon hasty or inconsiderate legislation. The Legislative power of impeachment and removal by address of two-thirds of its members, is a wise and salutary check upon the Executive and Judicial departments, to restrain or punish all manner of corruption, usurpation of power, or even mere worthlessness and inefficiency; and the ultimate and most important power, of finally deciding upon the constitutionality of legislative enactments, possessed by the Supreme Court, is wisely designed to check and restrain those rash and inconsiderate, and sometimes harsh and tyrannical legislative acts, which have been the grave of good government, liberty and order, in all ages and nations of which history has given any account. This system

of reciprocal checks and balances of constitutional power, which is as among the very dearest and most valuable principles of liberty and constitutional republicanism. Destroy this great bulwark of liberty, and the government will soon as it were run into one consolidated mass of unchecked, unrestrained despotic power, in which the weak and helpless are preyed upon by the strong and powerful, where the voice of truth and justice is silenced forever. And this is no exaggeration, for it is obvious that if the Legislature may usurp single unwarranted power, no matter how small and insignificant it may usurp all, and exercise absolute power; for

"Whatever link you strike,

Tenth or ten thousandth, breaks the chain alike."

The undersigned also protest against so much of said act as takes to command the Judges of the Circuit Courts, elected and re-elected have been for a particular term, by the people of their respective Circuits, hereafter to discharge the duties of the Supreme Court as responsible and arduous as those duties are. This we regard as the most undisguised and unblushing attempt to wrest from the hands of the people what they have chosen not to delegate to the Legislature or to any other department of the government—the power of appointing and removing the Judges of the Supreme Court. If for the sake of argument it was conceded, as it cannot be, that the Legislature might appoint the Judges of the Supreme Court, without observing any of the conditions or requirements of the Constitution, we ask, because it is the right of the people to know, by what pretext or color of right the Legislature arrogate to themselves the power of appointing and removing the Judges of the Supreme Court, when the Constitution plainly declares that the Judges of this tribunal shall be elected by the qualified voters of the whole State, "*by general ticket*?" If this may be done, we ask, may not the Legislature also assume the appointment of Chief Justice of the State, who is also by the Constitution elected by the qualified voters of the whole State, by general ticket? Or why not let the present Legislature just save the people the trouble of electing the members of the next General Assembly, and appoint their own successors; and indeed if any of the members whose term of office is yet unexpired, shall happen to be unpopular with the present Legislature, why may they not then be removed from office without notice, and others appointed to fill their places, whose principles may be more suited to the tastes or views of the majority? We regard it as our opinion that the cases are paralleled in every particular, that the Supreme Court is the highest and far the most important department of the government.

If it be said by way of excuse or pretext for this glaring usurpation of power, that the Circuit Judges did discharge the duties and exercise the powers of the Supreme Court for five years after their election, and thereafter *until* the Legislature otherwise provide, this is more than one conclusive answer to the suggestion. The

is, that the Circuit Judges exercised the powers and discharged the duties of the Supreme Court, for the time limited in the Constitution, under the express command and by the express authority of the instrument, and not at the command or by the authority of the Legislature. And those functionaries would doubtless do so again, if demanded and authorized by the Constitution which they are sworn to defend and support. But it does not follow that they are under obligations or have any authority to do so, because required by the Legislature, who have avowedly no more power to appoint or elect Judges, than they have to appoint or elect a Governor or member of the General Assembly, the people having wisely chosen to retain this power in their own hands.

The Constitution, (art. 3, clause 3,) declares that "for the term of five years from the election of the Judges of the Circuit Courts, and thereafter *until* [not *whenever*] the General Assembly shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by the Judges of the several Circuit Courts within the State," &c. From this it is plain that the Legislature had no authority in making the Circuit Judges act as a Supreme Court for the limited time mentioned, but all the capacity which the Legislature had in the premises was that, after the expiration of five years from the first election of the Circuit Judges, to *otherwise provide* by electing Judges of the Supreme Court, which another clause of the Constitution expressly authorized them to do, and the Judges so elected to hold their offices for life, or during good behavior, until by amendment of the Constitution, the election of Supreme Judges was given directly to the people. Therefore all the agency which the Legislature had in the matter was to determine *when* the Circuit Judges should cease forever to discharge the duties of the Supreme Court. This simple act the Legislature in 1851 did perform by electing three separate Supreme Court Judges. The Circuit Court Judges were then, by the letter and plain sense of the Constitution, exempted from the further discharge of the duties of the Supreme Court; and there is not one word of authority in the Constitution for the Legislature again imposing that duty upon them. On the contrary, since that time the people have taken away from the Legislature the power of electing as well the Circuit as the Supreme Court Judges. But if this feeble pretext of an argument for the power of appointing the Circuit Court Judges to the Supreme Bench needed further exposure, it might be found in the simple consideration that it proves a great deal too much to be true, for all truths must be consistent with each other. If, for instance, it were true that the Legislature may now rightfully command and require the Circuit Court Judges to discharge the duties of the Supreme Court, because they say the Legislature once required that duty at their hands for a limited period, would it not be equally true that the same Legislature might require, on the same ground, that the three separate Supreme Court Judges whom they once required to fill the Supreme Court, should for that reason come forward now and fill the same offices, in

preference to those elected by the people in pursuance of the Constitution? But in point of fact the Legislature never power the Circuit Court Judges to act as Supreme Judges, authority having been expressly given by the Constitution, and the Legislature, who only had the power to terminate the authority to act, by "*otherwise providing*" for the election of separate Court Judges, and having thus "*otherwise provided*," it is no power of the Legislature, without a change of the Constitution impose upon the Circuit Court Judges the powers and duties of the Supreme Court.

The undersigned, therefore, protest against the Act in question on both the grounds hereinbefore set forth, namely: Against the power of the General Assembly to remove Judges without avowed cause, without impeachment or address, as required by the Constitution, against the power of the Legislature to appoint any persons to the offices of Supreme Judges of this State. We believe the question to amount to a gross usurpation of power, which places the Constitution under the feet of a triumphant majority, if not checked by the people, may hereafter exercise all powers legislative, Executive and Judicial, which Mr. Jefferson, and the patriots of the revolution, have justly denounced as the most odious and tyrannical despotism. Against this sort of tyranny the fathers of our country protested in the Declaration of Independence; against it they struggled, bled, and gloriously triumphed; and it those of their sons who cherish their principles will ever stand up for liberty and struggle, in whatever form the contest may present itself, we do declare to the Legislature, and to the people, that the present memorable Act shall be permitted to be carried into operation, if it is in danger—morality is in danger—tranquillity is in danger—is in danger—everything dear and sacred is in danger. We have no living Constitution, and against bad times and bad men there will be no security. This example may consecrate every encroachment that power can make on the rights of the poor and humble—the persecuted and the virtuous.

The only privilege now left the minority is to complain and to remonstrate, by appealing to the people, and as their faithful servants on the watch-towers of liberty, to give the alarm of this invasion of the Constitution and liberty of our beloved country.

Appealing, therefore, to our own consciences, and to that of our country, through whose merciful dispensations our beloved country has passed through many trials and perils, for the rectitude of our conduct and the purity of our motives, we do now, for ourselves, our constituents, and our posterity, in the name of constitutional and eternal justice, enter on the journals this our solemn protest.

Senators.

M. A. LONG,
WILLIAM L. CRIGLAR,

Representatives.

JOSHUA TAYLOR,
JAMES P. PENN.

AMES FILOR,
 AN'L. BIRD,
 WM. E. KILCREASE,

WM. F. RUSSELL,
 J. B. GALBRAITH,

Mr. Tracy offered the following resolutions :

Resolved, That our thanks are due and are hereby tendered to the
 H. V. Snell, President of the Senate, for the able, courteous and
 impartial manner in which he has discharged the onerous and re-
 sible duties of his station during the present Session of the Gen-
 Assembly.

Resolved, further, That the Secretary, and other officers of the
 Senate, are hereby tendered our thanks for their attentions during the
 present Session.

Which were read and adopted.

The President, in an eloquent address, thanked the Senate for the
 confidence reposed in him.

On motion of Mr. Hopkins, a Committee consisting of Messrs.
 Hopkins, Tracy and Hawes, were appointed to inform the House of
 Representatives that the Senate was ready to adjourn.

The Committee returned and reported that they had found that
 the House of Representatives had already adjourned.

On motion, the Senate adjourned until the 4th Monday in Novem-
 ber next.

APPENDIX.

DOCUMENTS

Accompanying the Governor's Message.

REPORT OF THE REGISTER

Public Lands and Superintendent of Common Schools.

STATE REGISTER'S OFFICE, }
NOVEMBER 1st, 1854. }

His Excellency, JAMES E. BROOME,

Governor of Florida :

SIR:—As Register of Public Lands and Superintendent of Common Schools and Seminaries for the State, I have the honor to submit to your Excellency the following as my Biennial Report :

SEMINARY FUND.

From the 31st October, 1852, to 1st November, 1854, I have sold lands belonging to this fund, 7569 81-100 acres at an average price of \$1 41-100 per acre, producing the sum of \$10,687 18-100, cash and bonds, of which \$10,205 68-100 were received into this fund, and \$481 50-100 into the Treasurer's Office. Add this number of acres to the 21,213 58-100 acres stated as having been sold on the date of my last report, and it appears that the whole number of acres sold belonging to this fund since the first establishment of the office, is 28,783 39-100, which, according to the previous report of my predecessor and myself, have been sold at an average price of \$2 15-100 per acre, producing the sum of \$61,863 80-100 cash and bonds. The following table shows the receipts and disbursements on account of this fund from October 31st, 1852, to November 1st, 1854 :

RECEIVED IN CASH.

Sales of Land, being cash payments.....	\$3,818 42
Bonds given since 1st January 1853.....	1,731 55
Bonds given prior to " " ".....	1,921 52
	<hr/> \$7,471 49

DISBURSED.

For Appraising	\$	5 00
" Printing		32 50
" ‡ binding books for office		18 56
" Stationery		11 57
" ‡ Register's salary		916 62
" turned over to the Treasurer		6,143 22
Balance to credit of account		344 02
		<hr/> \$7

RECEIVED IN BONDS.

From sale of lands, sold since January 1, 1853, to November 1, 1854	\$6,810 28
Deduct amount paid on said bonds, as above stated ..	1,731 55
	<hr/>
Balance of said bonds in hand	5,078 88
Add amount of bonds given prior to January 1, 1853, still unpaid	568 57
	<hr/>

Whole amount of unpaid bonds belonging to this fund, in this office..... \$5.

The statement marked [A,] appended to this Report, shows items for which the above amount was disbursed.

The whole of this Fund consisted, originally, of the four ships, or 92,160 acres of Land granted by the United States State of Florida, for the establishment of two Seminaries of Learning, one East and the other West of the Suwannee River. The now consists of the proceeds of the 28,783 39-100 acres that have been sold as before stated, and the remaining 63,376 61-100 that remain to be sold. These have all been judiciously located in the State and approved by the proper Department of the Government. The unsold Lands belonging to this Fund are generally of good quality, and if not forced too rapidly upon the market ought to command an average price of at least \$2 00 per acre, after the expenses incident to their sale. In this event this Fund would be worth in cash, when all its Lands shall have been disposed of, about \$200,000—a sum which will go far, if judiciously expended, towards building up two Institutions of Learning, which, I trust, will prove the pride, as well as the ornaments and blessings of our State.

No site has yet been selected for the location of the Seminary West of the Suwannee River. I am informed that the Commissioners appointed by your Excellency, under an act of the last General Assembly, will shortly convene for the discharge of their duty.

By an act of the last General Assembly, the Seminary to be located East of the Suwannee River, was fixed at the town of Ocala, in the County of Marion.

During the month of May last, I made an official visit to this institution, and I am much gratified in being able to say that, from its infancy, I found it in a flourishing condition, and giving promise of great future usefulness. I found about sixty students in attendance, and the Trustees, as well as the learned Faculty, Male

male, were united in an ardent desire to promote their education, and the general welfare of the Institution, by all the means at their command. My visit strongly impressed me with the hope, that there is not far distant when the children of our State will be no longer under the necessity of going abroad in search of educational advantages, but that the period is near at hand when they will have home, within our own borders, as ample opportunities for intellectual and moral culture as can be found elsewhere.

Appended to this Report, marked [B,] your Excellency will find Report recently made to me by the Board of Education of the Alabama Seminary, in which will be found the opinions and views of that Board, as to the best means of promoting the welfare of the Institution. These views I commend to the consideration of your Excellency and the General Assembly.

SCHOOL FUND.

From the 31st October, 1852, to the 1st November, 1854, I have sold of Lands belonging to this Fund, 11,344 17-100 acres, at an average price of \$1 60-100 per acre, producing in cash and bonds \$3,112 57-100, of which \$1,631 30-100 were received in the Treasurer's office, and \$16,481 27-100 in this office. Add this number of acres to the 4,199 22-100 stated in my last Report as having been sold by me, and it appears that the whole number of acres sold, belonging to this Fund, since I took charge of this office on the 23d November, 1850, is 15,543 39-100 at an average price \$1 64½ per acre, producing the sum of \$25,534 64-100. The following table shows the receipts and disbursements of this office on account of said Fund from 31st October, 1852, to the 1st November, 1854:

RECEIVED IN CASH.

From sales of land, being cash payments.....	\$ 5 248 84	
United States Five per cent. Fund.....	2,931 11	
Premium on Drafts for above per cent.	30 65	
Bonds given since January 1, 1853.....	623 43	
Bonds given prior to " " ".....	14,869 67	
		\$28,198 70

DISBURSED.

Stationery.....	\$ 11 57	
½ cost binding books for office.....	18 56	
Printing and Advertising.....	142 25	
Locating, Appraising and Diagrams.....	950 73	
Rescinded sales.....	368 51	
Auctioneering.....	38 00	
½ Register's Salary.....	916 62	
Turned over to the Treasurer.....	21,929 75	
Balance to Dr. account—excess of disbursements above receipts for this fund.....		1,177 29
	\$24,375 99	\$24,375 99

RECEIVED IN BONDS.

From sales of land between said dates.		\$11,2
Deduct payments as aforesaid on the said bonds given as aforesaid.	\$623 43	
Amount of bonds returned on account of rescinded sale.	993 09	1,0
Balance of bonds in this office belonging to this fund. .		\$9,
Add amount of bonds given prior to January 1, 1853, still unpaid and remaining in this office.		6,
Whole amount of bonds in this office still unpaid, belonging to this fund.		\$15,

Appended to this Report find statement marked [C,] showing items on account of which the above amount was disbursed.

In the month of May, last, having had them previously appraised and advertised as the law directs, I offered at public sale all the sections lying in the Counties of Nassau, St. Johns, Duval, and Alachua, and all lying north of the township line No. 21, in the County of Orange. Many of these lands are chiefly valuable only for timber, and it may be long before all of them will command the minimum of \$1 25-100 at which they were offered. In the month of March last, I offered the 16th Sections in Escambia County. The sales there were dull, but it is hoped that the contemplated Rail Road improvements in that section will so increase the value of these lands as to make them command the minimum.

Since the date of my last Report I have caused to be located and reported to the proper department at Washington for approval 379 87-100 acres, to supply deficiencies in 16th Sections.

Congress has not yet, that I am aware, authorized the Surveyors to make selections to supply the deficiencies caused by a very large number of 16th Sections being covered by old grants. It was the original intention of the Government to appropriate the 16th Section to School purposes. When this intention is defeated by the intervention of old Spanish or other grants, I presume Congress, upon a proper application from our Representatives and Senators, would allow us to supply such deficiencies by location elsewhere. Perhaps a Resolution on this subject by the General Assembly would expedite the accomplishment of this desirable object.

COMMON SCHOOLS.

The following statement shows the number of children in each County between the ages of five and eighteen years, and the amount of money I have apportioned to each county, accruing from the interest of the School Fund:

apportionment of Interest accruing on the School Fund from July 1, 1853, to July 1, 1854, among the several Counties in the State of Florida.

COUNTIES.	No. of Children.	Rate.	Dollars.	Cents.	REMARKS.
Escambia,....	670	30.35	203	34	
Santa Rosa, ..	686	30.35	208	20	*No Report this year.
Waltou,.....	533	30.35	161	77	" " " "
Washington,...	478	30.35	145	07	
Jackson,.....	962	30.35	291	97	
Holmes,	414	30.35	125	64	
Calhoun,....	250	30.35	75	87	" " " "
Franklin,.....	485	30.35	132	03	
Gadsden,	1802	30.35	546	91	
Leon,.....	1042	30.35	316	24	
Wakulla,.....	481	30.35	145	98	
Jefferson,....	944	30.35	286	51	" " " "
Madison,....	1166	30.35	353	88	
Hamilton,....	517	30.35	156	91	
Columbia,....	600	30.35	182	11	" " " "
Nassau,.....	341	30.35	103	49	" " " "
Duval,.....	951	30.35	288	62	" " " "
Alachua,.....	900	30.35	273	15	
Marion,.....	646	30.35	196	06	" " " "
Sumpter,....	233	30.35	70	71	" " " "
St. Johns,...	500	30.35	151	75	" " " "
Putnam,	233	30.35	70	72	" " " "
Levy,.....	131	30.35	39	75	" " " "
Orange,.....	114	30.35	34	59	" " " "
Hernando,....	269	30.35	81	64	" " " "
Hillsborough,	691	30.35	209	71	
St. Lucie,....	100	30.35	30	35	" " " "
Dade,.....					" " " "
Monroe,.....	488	30.35	148	10	" " " "
No. Children,	16577		5031	07	Total School Interest.

the cases of Counties that made "no report this year," the number of Children taken from their report made to this office last year.

ing, I suppose, to the small amount allotted to any one county, few of them have as yet put our school system into practical operation. With the exception of the Counties of Monroe and Frank- have heard of none that have contributed anything from the treasury for the augmentation of the School-money received the State. I very much regret the apathy which has prevailed the public mind on this all important subject. I cannot suggest alteration of our statute which would render it more practical better adapted to the condition of our people. A careful perusal school law, (approved January 1853,) must enable any board of ty Commissioners to understand it, and if they have the means

and the will they can easily put it into operation. Hither Judges of Probate and county Commissioners have not, I fear to this subject the consideration it deserves, or else they have eluded that the means at their command are too small to make a beginning with. Few persons anywhere, seem to have given the subject much attention. But from certain indications of the paper press, that great luminary of a free country, I trust that a flood of light is about to be shed on this subject, which will afford the people to a sense of its importance. Certainly, under our government nothing whatever can be of more vital importance than the general education of the people, since upon their intelligence and virtue depends the very existence of our institutions.

At this period of the world, particularly, it is important that our children should be educated. Intelligence, like wealth, is a comparative thing. A man who would have passed as intelligent in the dark ages might be considered very stupid now, and we should consider the great attention that is being paid to education at this time throughout Christendom, we must feel that our children are compelled to blush for our neglect of them, unless we afford them better means of instruction than we have hitherto done. Our severity cannot reproach us with any more crying sin than that of neglecting their minds. The wealth we may bequeath our children in lands, slaves, or money, will be comparatively but a small boon, if it be not accompanied by the far richer legacy of intellectual treasures, and high moral cultivation. In a free country "Knowledge is Power," and I will add, where the child has been properly educated, knowledge is virtue and wealth also.

Remarks might be protracted on this subject to an almost unlimited extent, but doubtless, your Excellency and the General Assembly being, as deeply impressed with its importance as myself, will give it your most serious and anxious consideration.

INTERNAL IMPROVEMENT FUND.

From the 31st October, 1852, to the 1st November 1854, I have sold of lands belonging to this fund 74,908 89-100 acres, at an average price of \$1 72½ per acre, producing in cash and \$130,765 74-100, of which \$4,840 26-100 were received at the Treasurer's Office, and \$125,925 48-100 in this office. A large number of acres to the 56,610,80 stated as having been sold at the date of my last report, and it appears that 131,519 69-100 is the whole number belonging to this fund that have been sold since the first establishment of this office, producing in cash and bonds the sum of \$228,121 52-100, being an average price of \$1 73½ per acre.

The following table shows the receipts and disbursements and the balance on hand of this fund from the 31st October, 1852, to November 1854 :

RECEIVED IN CASH.

sale of lands being cash payments.....	\$42,514 94	
bonds given since January 1, 1853.....	8,975 20	
bonds given prior to " " ".....	1,282 98	
		<u>\$52,773 12</u>

DISBURSED.

ing and repairing office furniture.....	10 00	
uctioneering.....	50 00	
ost binding books for office.....	18 56	
scinded sales.....	317 84	
stage.....	28 07	
cating Lands.....	1,045 21	
ppraising Lands.....	347 50	
inting and Advertising.....	435 31	
ationery.....	63 33	
Register's salary.....	916 76	
urned over to Treasurer.....	45,514 98	
e to credit account unexpended on account of this fund.....	4,025 56	
		<u>\$52,773 12</u>

RECEIVED IN BONDS.

sales of land since January 1, 1854.....	83,410 54	
educt amount paid on above bonds as aforesaid...	8,975 20	

amount of unpaid bonds in this office belonging to this fund.....	\$74,435 34
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The statement hereto appended, marked [E,] shows the items on account of which the foregoing amounts were disbursed.

During the spring of 1853, I offered all the Lands belonging to the Sem. lying in the counties of Jackson, Calhoun, Holmes, Washington and Walton. The unsold Lands remaining in these counties were generally not so good, but yet I have reason to believe, that the value of them, if not all of them, will before a great while, command the sum of \$1 25-100, at which they were offered. I think it would be unwise at present to reduce said minimum either as to the unsold Lands or those belonging to the Seminary Fund. The local agents for the State, who are without exception men of character and intelligence, of course selected the best they could find, and it is not to be presumed that they located many worth less than the minimum.

My great aim in putting prices on these Lands, has been to strike a medium between such high prices on the one hand as will deter persons from purchasing who want the Lands for actual settlement and cultivation, and such low prices on the other hand as will induce persons to buy on speculation only.

The 500,000 acres of Land to which Florida became entitled by the act of Congress, of September 4th, 1841, on her admission into the Union, 312,839 acres have been located and approved. The remaining 187,161 acres have been located by the State, but not yet been approved by the United States, though applica-

tions have long been pending before the proper department at
ington.

As I have before stated, there have been sold of Lands belon-
to this Fund, 131,519 69-100 acres at an average price of \$1
producing the sum of \$228,121 52-100. If the remaining
480 31 100 acres shall command an average of \$2 00 per
which I think they ought to do free of expenses, then the whole
value of this Fund, when all its Lands shall have been sold, will
be \$965,082 14-100.

RECAPITULATION.

Amount cash received on account Seminary fund.....	\$ 7,471 49	
" " " " " School fund.....	23,198 70	
" " " " " Internal Improv. fund	52,773 12	
Total amount cash on account all the funds.....		\$83,443 31

DISBURSED.

Cash expended on account Seminary fund.....	7,127 47	
" " " " " School fund.....	24,375 99	
" " " " " Internal Improv. fund.....	48,747 56	
		\$80,251 02
Balance between disbursements and receipts.....		\$3,192 29
Balance to credit of cash account at the date of the last report—See Ledger.....	\$ 931 07	
Balance of cash on hand on the 1st November, 1854....	2,261 22	
		\$3,192 29

SWAMP LAND FUND.

The Agents for locating the Swamp Lands have as yet no
Report to this office. I have understood from them, unofficially,
that the State will probably receive from this source, about 8,000,000
of acres. I presume said agents will report this winter when the
Legislature is in session. When the duty of selling these added
8,000,000 of acres shall also be confided to this office, it will be
absolutely essential to increase its operative force by the appointment
of a Clerk, as its duties are already greater than can be conveniently
discharged by one individual.

I have the honor to be,

Your Excellency's most

Obedient servant,

D. S. WALKER

Register

A.

Disbursements on account of Seminary Fund from October 31, 1852, to November, 1854.

9.	To cash paid $\frac{1}{2}$ Wm. Wilson & Co's account, Stationery.....	\$ 9 44	
			\$9 44
1.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1852,	100 00	
7.	" " " paid over to Chas. H. Austin, Treas'r,	791 49	
7.	" " " " " " " " " " " "	1,263 17	
1.	" " " " $\frac{1}{4}$ 1st qr. Register's Salary, 1853,	116 66	
27.	" " " " $\frac{1}{2}$ Wm. Wilson & Co's account for Stationery.....	2 13	
28.	To cash paid, $\frac{1}{2}$ Geo. & J. Meginniss' account, binding books.....	18 56	
12.	To cash paid Jos. Clisby, printing and adv'g,	32 50	
6.	" " " over to Chas. H. Austin, Treas'r,	275 00	
1.	" " " " $\frac{1}{4}$ 2d qr. Register's Salary, 1853,	116 66	
1.	" " " " $\frac{1}{4}$ 3d qr. Register's Salary, 1853,	116 66	
8.	" " " " over to Chas. H. Austin, Treas'r,	623 70	
7.	" " " " " " " " " " " "	360 56	
5.	" " " " " " " " " " " "	381 47	
			\$4,198 56
2.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1853,	116 66	
1.	" " " " over to Chas. H. Austin, Treas'r,	665 80	
6.	" " " " " " " " " " " "	192 00	
20.	" " " " D. L. White, for appraising.....	5 00	
1.	" " " " $\frac{1}{4}$ 1st qr. Register's Salary, 1854,	116 66	
3.	" " " " over to Chas. H. Austin, Treas'r,	383 00	
1.	" " " " " " " " " " " "	24 94	
5.	" " " " " " " " " " " "	245 05	
3.	" " " " " " " " " " " "	171 50	
	" " " " $\frac{1}{4}$ 2d qr. Register's Salary, 1854,	116 66	
7.	" " " " over to Chas. H. Austin, Treas'r,	224 17	
4.	" " " " " " " " " " " "	519 12	
3.	" " " " " " " " " " " "	72 75	
	" " " " $\frac{1}{4}$ 3d qr. Register's Salary, 1854,	116 66	
			\$2,019 47
	Amount Disbursements.....		\$7,127 47

C.

Disbursements on account of School Fund from October 31, 1852, to November 1, 1854.

9.	To cash paid $\frac{1}{2}$ Wm. Wilson & Co's account, Stationery.....	\$ 9 44	
20.	" " " over to Chas. H. Austin, Treas'r,	1,700 00	
			\$1,709 44
1.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1852,	100 00	
7.	" " " over to Chas. H. Austin, Treas'r,	4,500 00	

Feb'y	7.	Amount brought forward,.....	\$4,600 00
March	7.	To cash paid over to Chas. H. Austin, Treas.	3,014 07
April	1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1853,	116 66
	4.	" " " over to Chas. H. Austin, Treas'r,	1,768 40
	27.	" " " $\frac{1}{4}$ Wm. Wilson & Co's. account for Stationery,.....	2 13
	28.	" " " $\frac{1}{4}$ G. & J. Meginniss' account for book binding,.....	18 56
May	2.	" " " over to Chas. H. Austin, Treas'r,	540 31
	12.	" " " Jos. Clisby's account for pr'g &c.	38 50
June	6.	" " " over to Chas. H. Austin, Treas'r,	427 89
July	4.	" " " " " " "	2,089 45
		" " " $\frac{1}{4}$ 2d qr. Register's Salary, 1853,	116 66
	9.	" " " W. W. Tumblin, apprais'g lands,	10 00
Aug't	1.	" " " over to Chas. H. Austin, Treas'r,	237 68
Oct'r.	1.	" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1853,	116 66
	3.	" " " over to Chas. H. Austin, Treas'r,	414 73
	14.	" " " Gaines & Royal, for advertising,	3 00
Nov'r.	7.	" " " over to Chas. H. Austin, Treas'r,	376 83
Dec'r	5.	" " " " " " "	713 69
<hr/>			
1854.			
Jan'y	3.	To cash paid $\frac{1}{4}$ 4th qr. Register's Sal'ry, 1853, \$	116 66
	3.	" " " over to Chas. H. Austin, Treas'r,	1,435 02
	4.	" " " to A. M. Randolph, on account,	100 00
	11.	" " " " " " "	100 00
	19.	" " " to Hopper & Gilmer on account cancel'n of 16th Sections in Es- cambia County,*.....	868 51
		" Bills receivable, 3 notes returned on same account to Hopper & Gilmer, as above,.....	993 09
Jan'y.	24.	To cash paid A. M. Randolph, for select'g, &c,	348 69
March	6.	" " " over to Chas. H. Austin, Treas'r,	1,282 20
	27.	" " " O. M. Avery for expenses, per account,.....	8 00
	30.	" " " A Marzori, for advertising,.....	10 07
April	1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1854,	116 66
		" " " over to Chas. H. Austin, Treas'r,	460 91
May	6.	" " " W. G. Moseley for appraising, on account,.....	100 00
	28.	" " " John McNeally, for advertising,	9 00
June	9.	" " " M. K. Andreu, auctioneer'g 16ths,	5 00
		" " " W. W. Tumblin, for same,....	5 00
	10.	" " " W. G. Moseley in full for appr'g,	107 94
		" " " Geo. H. Smith, auctioneer'g, &c.,	20 00
	30.	" " " C. E. Dyke, for advertising....	28 00
July	3.	" " " over to Chas. H. Austin, Treas'r,	2,692 06
		" " " $\frac{1}{4}$ 2d qr. Register's Salary, 1854,	116 66
	8.	" " " J. R. Haddock, for appr'ng 16ths,	184 10
	12.	" " " Savannah Republican, for adv'g,	53 75
Sept.	4.	" " " over to Chas. H. Austin, Treas'r,	129 67
Oct'r	3.	" " " " " " "	146 85
		" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1854,	116 66
<hr/>			
Total Disbursements,.....			\$

its sale was cancelled because the land had not been offered at public sale.

1.	To cash paid	½ 4th qr. Register's salary, 1852,	\$ 100 00
7.	"	" over to Chas. H. Austin, Treas'r,	2,000 00
7.	"	" " " " " " " "	714 85
9.	"	" D. Manley, for stationery,	5 00
1.	"	" ½ 1st qr. Register's salary, 1853,	116 68
13.	"	" Miles Nash, postage account in full,	5 07
27.	"	" Wm. Wilson & Co., ½ account for stationery,	2 18
"	"	" refunded to Stephen Brown, on account of inability of the State of Florida to give him good titles to land he bought,	57 75
28.	"	" ½ account G. & J. Maginniss, binding books, &c.,	18 56
2.	"	" over to Chas. H. Austin, Treas'r,	2,302 25
11.	"	" Betton & Higga, account made Jan'y 18, 1851,	1 00
12.	"	" Jos. Gliaby, for printing and advertising,	212 81
27.	"	" J. A. Edmondson, making seal stand,	8 25
21.	"	" Florida Whig, for advertising, &c.,	19 50
24.	"	" Angus Gillis, for appraising, . . .	17 60
"	"	" Jos. T. Russ, for same,	185 00
30.	"	" Britton Barclay, for same,	50 30
6.	"	" over to Chas. H. Austin, Treas'r,	400 00
7.	"	" D. G. McLean, for appraising, . .	84 60
14.	"	" A. N. McIver, for auctioneering,	50 00
15.	"	" Florida Democrat, for advertising,	14 00
"	"	" A. Hutchins, for rep'ing safe lock,	1 50
1.	"	" ½ 2d qr. Register's salary, 1853,	116 68
"	"	" Floridian and Journal, advert'g,	14 00
4.	"	" over to Chas. H. Austin, Treas'r,	5,065 45

"	8.	To cash paid	Commercial Advertiser, adv'ing,	22 00
"	13.	" " "	M. Nash, postage in full,.....	3 70
"	25.	" " "	Pensacola Gazette for adv'ing,	17 00
Aug.	1.	" " "	over to Chas. H. Austin, Treas'r,	1,261 51
Sept.	5.	" " "	" " " " " "	3,776 06
Oct.	1.	" " "	$\frac{1}{2}$ 3rd qr. Register's salary, 1853,	116 68
"	3.	" " "	over to Chas. H. Austin,.....	4,729 88
"	8.	" " "	M. Nash, postage acc't to 1st inst.,	6 83
"	"	" " "	J. McDougal, acc't as per rec't,	2 50
"	31.	" " "	H. Wells, balance acc't for locat'g,	484 46
Nov.	7.	" " "	over to Chas. H. Austin, Treas'r,	8,541 05
Dec.	5.	" " "	" " " " " "	3,238 06
				<hr/> \$33
1854				
Jan'y	2.	To cash paid	$\frac{1}{2}$ 4th qr. Register's salary, 1853, \$	116 68
	3.	" " "	over to Chas. H. Austin, Treas'r,	1,118 98
	9.	" " "	Jos. Clisby, printing, advertising,	
			and binding,.....	108 50
	17.	" " "	M. Nash, postage account to date,	4 81
	20.	" " "	J. B. Allen, on account of rescind-	
			ed purchase, May 26, 1852, Act	
			Legislature, Dec. 29, 1852,.....	48 12
Feb'y	1.	" " "	over to Chas. H. Austin, Treas'r,	1,230 00
	6.	" " "	M. Nash, for postage stamps,....	1 00
	7.	" " "	Jno. McDougal, account of 1853	
			and 1854 to this date,.....	37 12
March	1.	" " "	S. B. Todd, on account rescinded	
			sale,.....	33 16
	6.	" " "	over to Chas. H. Austin, Treas'r,	2,130 12
	15.	" " "	W. H. Horton, on account rescind-	
			ed sale,.....	65 40
	18.	" " "	N. A. Long, on account rescinded	
			sale,.....	95 94
April	1.	" " "	$\frac{1}{2}$ 1st qr. Register's salary, 1854,	116 68
	3.	" " "	over to Chas. H. Austin, Treas'r,	1,103 44
	"	" " "	M. Nash, postage acc't to date,	2 55
	6.	" " "	A. M. Randolph, for selecting land,	800 00
	22.	" " "	S. B. Todd, balance due him on	
			account of cancelled sale, see re-	
			ceipt of date,.....	17 47
	26.	" " "	Woodruff & McNeil, acc't for ink,	3 50
May	1.	" " "	over to Chas. H. Austin, Treas'r,	1,153 43
June	5.	" " "	" " " " " "	2,001 37
	8.	" " "	M. Nash, postage stamps,.....	1 00
	17.	" " "	G. T. Townsend, for chairs,.....	4 50
July	3.	" " "	$\frac{1}{2}$ 2nd qr. Register's salary, 1854,	116 68
	"	" " "	over to Chas. H. Austin, Treas'r,	919 94
	5.	" " "	M. Nash, postage acc't to 3d inst.,	3 11
Aug.	7.	" " "	over to Chas. H. Austin, Treas'r,	1,065 83
Sept.	4.	" " "	" " " " " "	1,341 21
	5.	" " "	Henry Cook, making curtains for	
			office,.....	75
Oct.	3.	" " "	$\frac{1}{2}$ 3rd qr. Register's salary, 1854,	116 68
	"	" " "	over to Chas. H. Austin, Treas'r,	1,421 40
Total disbursements,.....				<hr/> \$14

B.

REPORT OF BOARD OF EDUCATION E. F. S. S.,

herewith enclose, and transmit to you by mail, an Account Current of the East Florida State Seminary for the years 1853 and 1854, accompanied by an Address from the Board of Education, also my Report. (I take occasion here to state that the Board of Visitors, who were appointed and invited did not visit the Institution, consequently it loses the advantage of their reports.) All of which is most respectfully submitted,

JOHN M. McINTOSH,
Judge of Probate, M. C. & ex-Officio Sec. B. E. E. F. S. S.

ADDRESS,

OCALA Fla., Nov. 6th, 1854.

Honorable Sir :—The board of Education for the East Florida Seminary, in submitting their report to you, feel it a privilege, as well as a duty, to accompany that report with such opinions and suggestions as to them seem pertinent and legitimate, as coming from those whose duty it has been made to act as guardians over the beginning, the progress thus far, and the well being of this magnificent scheme of Education, in East Florida, by a wise and far-seeing legislation, hoping if any stray thoughts worthy of treasuring and presenting to the present Legislature, should occur in this address, you will take pleasure in clothing it in your own happy language, and made thus captivating, embody it in your own address to that august body.

As a supporter, a supervisor, and a dear lover of Education, in its conception, its progress, and its perfection, in all its efforts, however humble, or however magnificent and well matured, we can rely on you confidently for sympathy, encouragement and support. We can appreciate the many difficulties and draw-backs any scheme of Education must encounter in a country just emerging from a State of wilderness, where the people have met together to form a society, and have come from various States, mostly strangers to each other, and having but little in common; where, too, other more serious difficulties rise up in the path of all, where their means are necessarily exhausted in procuring homes, habitations, the necessaries of life—when a deep desire in many to Educate their children is almost crushed out, by the want of ability—where the population on which a school depends is scattered over a large tract of Territory, and but few are prepared to accommodate the same, and you, with your practical good

sense, can see how such adverse circumstances must necessarily retard the progress of a State Seminary, if the trustees, imbued with a worthy state pride, should deem it proper to assemble, as a body, the best talent and practical ability, by the only possible means, the offering salaries that will command such talent and practical ability. And last of all, you can appreciate the embarrassment of this board in administering the affairs of this institution, under these trials, and with no previous experience. The scheme originated by the act establishing this Seminary, and a similar one, viz. the Suwannee, is a grand one—a scheme of which any State Union might be proud—a model for the world; and were the means commensurate with the plan, might be readily reduced to proportion, and one that this board would feel forever honored in being entrusted with its execution.

The General Government has exhibited a parental care and worthy munificence in bestowing upon the State so large a sum for seminary purposes, and the State, taking into consideration its peculiar shape, has exercised a sound judgment and a wise policy in dividing that fund and creating two seminaries in place of one, and the programme of these Seminaries are the certain foot-prints of a master mind. But the available means are inadequate for a proper beginning, and laying out of its practical application in a State so sparsely settled and so fettered with hardships, and so short of money. And yet the few that are here need this means of education, and the children of our State must not be allowed to grow up in even partial ignorance, nor be forced to seek the completion of their education in other latitudes until the accumulated funds have proved sufficient to begin the plan and carry it out in all its beneficial details. Better have only established one Seminary than that on a less costly plan. But who, being a Floridian, upon reviewing the geography of our State and reviewing the plan of our Seminaries, would consolidate or abate one jot or tittle of the scheme?

There is a means in the power of the Legislature to remedy this defect, and to set the whole machinery to work in due time. A little State pride, and a little nerve would speak the means in plain language. Could ever a people be taxed for a holier purpose than the education of their children? Even this is not indispensable. The State is entitled, by donation, to a large amount of vacant land, partially submerged, capable of being cheaply reclaimed. A portion of this could not be more sensibly appropriated than by setting apart a sufficiency of it to endow these Seminaries liberally. To supply the present need, a loan might be granted to the respective boards of education of sums sufficient to supply all the outgoings or expences of high Seminaries of learning; such as Philosophical, Chemical and Astronomical apparatus, Library, Globes, &c. The paraphernalia of colleges are indispensable as among the means

as were in the main, contemplated to be educated in these Colleges or Seminaries.

As the State appropriations became funded and money realized, the principal might be restored, or if the State should not feel that reality and pride which would prompt a donation, the loan might be granted, and a sufficiency of the interest withheld annually, to reimburse the principal in four or five years. When the Seminaries were once provided with all the faculties of imparting a liberal education, and the country had settled up and been relieved in a great measure of its embarrassments, then the Seminaries would not only be able to pay their own way, but be able to add something to the means necessary to carry out the entire plan of the wise originators of the scheme. Without some such timely aid, the Seminary in Florida must retrograde in character, or suspend operations until the sum due it becomes adequate to its necessities. With these suggestions, we trust our cause into your care and honorable management, and subscribe ourselves

Friends and obedient servants,

LEWIS C. GAINES, President,
WM. ROYALL, }
W. S. HARRIS, } Board of
J. M. McINTOSH, } Education.

To Honorable D. S. WALKER, State Superintendent of Common Schools, Tallahassee, Florida.

The Board of Education for the East Florida Seminary, employed for the year 1853,

As Principal, S. S. BURTON,

Male Assistant, Dr. J. F. MOWE.

Female Assistaat, Miss LAURA CHAMBERLAIN.

Teacher of Music, Miss P. L. A. UNDERWOOD.

and considering it rather an experiment, thought it advisable to pay salaries for said Teachers, the interest of the State Fund for the year together, with the tuition.

The Principal, Mr. S. S. Burton, failed to report in accordance with the instructions of the Board, the number of scholars attending school, the amount of tuition, and the studies pursued in the Institution. It is consequently not in the power of the Board to state the number of scholars in attendance during the year was varying from sixty to ninety. This tuition amounted to \$1,400. The studies pursued were Reading, Writing, Arithmetic, Natural Philosophy, English Grammar, Geography, Drawing, and Music, and a small number of beginners in Latin.

The school commenced well, but the Principal becoming unpopular

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lar, and having been indiscreet, it closed inauspiciously and the end of the year.

The Board of Education of the East Florida State Sem employed for the year 1854,

As Principal, J. G. BOWMAN, A. M.

Male Assistant, A. F. GOULD, A. M.

Female Assistant, Miss VIRGINIA E. BAUGHAN,

Teacher of Music, Miss R. L. ROGERS.

This year there was some difficulty in getting started, from the fact of the teachers not having arrived until the last of January. This delay had caused several scholars to go to other Seminaries, and in fact caused the getting up of some county schools, which carried off some who otherwise would have attended our institution. Another draw-back upon the institution was the difficulty which it closed last year, difficulties which could not have been foreseen nor prevented, such as any institution or all are liable to.

Of course I cannot tell what the school will net in the future, but tuition for the last session of this year, but have a right to judge that it will net more than the first session. Last session there were about 70 students, studying from Spelling to Latin. This session the young ladies take lessons in Music. This session there is in attendance about 65 students, studies about the same. The Board, in consideration of this being a State Institution, have reduced somewhat the rates of tuition as compared with schools of similar grade. I would, please find the rates as assessed by the Board:

Spelling, Reading, and Writing, per Session, (5 months),	
Primary Arithmetic & Geography, together with the above,	
Arithmetic, Geography and English Grammar, together with the above,	

The Natural Sciences and History together with the above,	
---	--

The higher branches of Mathematics, the Classics and	
--	--

Moral Philosophy, together with the above,	
--	--

Piano Music (Extra) per session	
---------------------------------	--

Use of instrument per session,	
--------------------------------	--

No scholar admitted for a less term than one session nor a reduction made for loss of time, except from sickness.

Persons filing a declaration of intention to become teachers in the State of Florida, at the discretion of the Board of Education may be admitted free of tuition fees.

By order of the Board.

LEWIS C. GAINES, President

J. M. McINTOSH, Sec'y.

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REPORT OF STATE ENGINEER & GEOLOGIST.

PALATKA, FLORIDA, November 12, 1854.

Governor of Florida:

Sir:—Accompanying this I have the honor to enclose to your Excellency, a "General Report" of my proceedings as State Engineer since the creation of the office. Also my Report on the "Reconnoissance of the Pensacola and Georgia Rail Road route," marked [A.] Also, Report "on the practicability of connecting the waters of the St. Johns with those of Indian River by a navigable canal," for the information of the General Assembly, marked [B.] All of

which I hope will meet with your and its approval. The map accompanying this report are not quite completed, but will be in readiness, and handed to you in person by me, by the 4th proximo.

I have no report to make on the Florida, Atlantic and Gulf Road route, as I was informed by the President of said Company (when I reported to him for duty,) that the company were not prepared to act on the matter, and requested that I would postpone making the reconnoissance for the present.

On the subject of the Geology of the State, I have made no report, from the fact that the General Assembly failed to specify duties or make any appropriations to defray any expenses incurred in reference to the matter. Consequently nothing has been done by me, except to obtain specimens of soils and minerals from various localities, (where marked changes were perceptible,) and report by me in the performance of the duties of Engineer.

I remain very respectfully, sir, your obedient servant,

F. L. DANCY, *State Engineer, &c.*

GENERAL REPORT.

OFFICE OF STATE ENGINEER,
PALATKA, FLORIDA, November 1st, 1854.

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In compliance with the Act of the General Assembly defining the duties of State Engineer, I have now the honor to report my proceedings since my acceptance of said office on the 2d day of February, 1853.

Immediately on the receipt of my Commission and qualifying, I addressed a communication to the late Governor Brown, who then occupied the Gubernatorial chair, asking for instructions and for the means necessary to procure instruments to enable me to perform the duties assigned me by the General Assembly. In his reply, of February 15th, 1853, he informed me, "That there had been no appropriation made by the General Assembly for the purchase of instruments, and that he had no fund at his disposal that could be applied to said purpose; and moreover, that he had nothing to do as the State Engineer, other than to approve of certain acts." Under this state of the case, I determined to call together the Board of Internal Improvement, to consult with them in regard to the duties pertaining to the office; which was done by letter to each member of the Board on the 12th day of May, 1853, requiring them to meet at the town of Palatka on the 7th day of July, 1853. When the time arrived but one member, Mr. Paul McCormick, appeared after waiting for two days and finding no others were likely to attend, I adjourned over the meeting till further notice. As a very

ant portion of the duties assigned by the General Assembly to State Engineer was, "that of examining and surveying the swamp and overflowed lands belonging to the State," I turned my attention to them, and with that view, addressed the Register of State Lands on the subject, who replied under date 16th April, 1853, that he had neither lists nor diagrams of the swamp or overflowed lands, and that no return in any way had been made to his office." Having finally ascertained from the Comptroller that my draft on him for the purchase of Instruments would be accepted, and having secured them by the last of September, 1853, I determined on visiting the members of the Board of Internal Improvement in their respective districts; they with the State Engineer being a competent aid to determine upon and recommend plans for the reclamation of swamp and overflowed lands, and plans for local works of Internal Improvement for their respective districts. In pursuance of this plan, I held a conference individually with the members for the Western district, and appointed a day to meet them together, one of them failed to attend on account of sickness. I then proceeded to the Middle district, and after consulting with the member from said district, the conclusion arrived at was—"that there was nothing on which they could act under the laws as then existing, and in the situation of the swamp and overflowed lands." I then deemed it useless to proceed any further west and returned home. In the meantime, I had taken steps to procure the field notes from the Surveyor General's office at St. Augustine of such Swamp and overflowed lands as have been selected and approved by him, to enable the Internal Improvement Board and myself to act knowingly in relation to them, so far at least as those notes were to be relied on. On the 10th January, 1854, the instructions from your office were received, requiring me to proceed to Tallahassee to consult with myself and the President of the Pensacola and Georgia Railroad Company, with the view of making a reconnoissance of the country through which said Road was contemplated; more particularly with view to its Eastern terminus. The result of said reconnoissance of the Apalachicola River to the waters emptying into the Atlantic is herewith communicated, marked [A.] In reference to the Eastern terminus, my views were communicated under date 31st March, ultimo.

Your instructions dated November 29th, 1853, "requiring me to examine and report on the practicability of connecting the St. Johns and Indian River by a navigable canal," were entered on as soon as arrangements could be made, after completing the reconnoissance of the Pensacola and Georgia Railroad. Deeming it advisable to connect with this examination another ordered by Resolution of the General Assembly, to-wit: "The examination and survey of the practicability of draining the St. Lucie Savannah," and the distance from the extreme point of these examinations being near two hundred

miles from the head of navigation on the St. Johns River, more labor and expense in travelling the distance than in the actual work to be done. After reaching the scene of operations, to the unsettled state of the country, and the uncertainty of finding either hands or subsistence, it became necessary to travel from the settlements—there being over 100 miles, without reaching settlements. My Report on the Canal is herewith communicated marked [B.] That on the drainage of the St. Lucie Savannah transmitted on the first day of August, 1854.

The above comprises a brief summary of the service performed since entering on the duties of State Engineer.

Before closing this report, I feel it due to myself to state, touching the insufficiency of the laws passed by the last General Assembly, and to the further fact, that the office of State Engineer was created at least two years before there was any actual necessity for it, so far as the examination and survey of the swamp and overflowed lands of the State were concerned, as even up to the present time they are not in a situation such as to enable the Engineer and Board of Internal Improvement to act in reference to them. The time, however, is now at hand when these lands will be fully under the control; when the duties of State Engineer will be very arduous, and his services all important, to protect the State from the schemes of interested parties, and from engaging in expenditures ultimately ruinous expenditures for works called improvements, which, when made, after incurring heavy expenses, will prove of little or no value. I doubt not, with judicious management, that ultimately to be derived from the swamp and overflowed lands will enure to the State, will be a large one, but by no means so many enthusiasts may suppose, from the number of acres that probably revert to the State. There will be portions, and large portions of the overflowed lands, such for instance as the Bottoms of the upper St. Johns, that will be immensely valuable in a distant day, as I am fully convinced that large portions of them may be reclaimed with a moderate outlay, by the enterprise and aid of private capitalists, should such a policy be adopted by the State, as to encourage capital to seek investments in that line. When reclaimed for sugar, rice or corn, they will compare favorably with the best Mississippi bottoms. They are generally from 1½ to 2 feet above the ordinary level of the water in the river, covered with maiden cane grass, from 5 to 10 feet in height, and sufficiently firm for stock to travel over them—of a dark vegetable loam, with shell of various kinds, principally muscles and perriwinkles. In many places thousands of acres might be diked in by simply running three dams, one on the bank of the river, and two others to high land—these dams are not required to be high, as the river seldom rises more than 3 to 5 feet.

There are doubtless similar Lands in other portions of the State that might be reclaimed with equal facility, and it will be the

the members of the Internal Improvement Board to bring all such their respective Districts to the notice of the Board, and then through the Engineer to that of the General Assembly, if of sufficient importance for its action.

I also feel it incumbent on me to say a few words in reference to general or State system of Internal Improvements. In this connection, I deem it not only necessary that we should look to our immediate convenience, but if compatible, that we should come with it the accommodation of neighboring States, and the commerce and travel of the whole country, in order to render such a system profitable to the State, as also individual Stockholders. It is certain that there is no settled portion of this great republic so little known and so much abused and misunderstood, as our own State of Florida. And why is it? The answer is plain and simple. It is the want of good roads, affording safe, certain and speedy means to the traveller to visit its various sections, which embrace every climate known to the Middle and Southern States of this Union, as also that of Cuba and the West Indies. Its productions are as various as its climate, from the most hardy plants to those confined peculiarly to a tropical climate. It is my opinion that these objects may be accomplished, and all portions of our State placed within a reasonable distance of Railroad or Steam Boat transportation, for a small sum in comparison to that of any State in the Union.

To accomplish this end, the first inquiry is, has the State of Florida any sea port or tributary of the Atlantic, to and from which foreign commerce can be carried on? To this, I answer in the affirmative. It has one, and but one. This is to be found on the east side of the Amelia River, and on the west side of Amelia Island. The outlet to the sea from which has, at low water, 18 feet on the Bar, and an average rise of tide of six feet, with thirty feet water up to the Bay in front of the Island, with a harbor completely land locked. I would therefore recommend a system of Railroads for the State, to commence or have their termini at this point. 1st. A Road from this point, to terminate at one of the Cedar Keys. This would be chiefly for the through travel from the North to California, and from the Gulf for the North, as also much of the Gulf commerce. Some twenty-five miles of this Road can, without any loss of distance, be made common to two other Roads. The one to the west, to terminate at Pensacola, and the other to the South to terminate at Tampa Bay or Charlotte Harbor. These two Roads, as the necessities of the State required it, could be connected either by short branch roads to the right and left of their respective routes, with all the important settlements and towns, both inland and on the Gulf, with distances varying from 5 to 20 miles. The western route would nearly equally divide the middle and western districts, and the southern route would divide nearly equally the peninsula between the Gulf and St. Johns river, placing almost every settler in any portion of these districts, within 20 miles of either railroad or steamboat

navigation. The country south and east on the peninsula, even far south as Cape Florida, require but twelve miles of Canal to give them water communication for some 400 miles inland. What I would like to ask, is the country that would be so blessed with facilities for intercourse with the world as we would be, and at an outlay so considerable, when compared with the outlay of other State communities. These works might all be accomplished in a few years, by the aid of the State Internal Improvement Fund, a swamp and overflowed lands, and by the aid of private subscription. I hope to see some action of the General Assembly at its next session, in regard to these measures, and that it will not allow the funds of the State to be frittered away on mere neighborhood or strictly local projects. Hoping sir, the above views may meet your approval, and those of the General Assembly,

I remain respectfully, sir,

Your obedient servant,

F. L. DANCY,
State Engineer and Geologist

[A.]

Reconnaissance of Pensacola and Georgia Rail Road

OFFICE OF STATE ENGINEER

PILATKA, FLORIDA, August 20th, 1854.

To His Excellency, JAMES E. BROOME,

Governor of Florida:

SIR:—Your instructions dated "Executive Office, Tallahassee, January 2nd, 1854," requiring me to "proceed to Tallahassee for the purpose of conferring with you fully in regard to the Reconnaissance of a Railroad route from Tallahassee or the Apalachicola River to the mouth of the St. Mary's River, and also the St. Andrew's River, under the charter of the Pensacola and Georgia Railroad," were received by me on the 12th January, 1854. My arrangements were soon made and on the 20th I started for the seat of Government where I arrived on the 31st January, and after a full conference with yourself and Col. Whitner, the President of the Pensacola and Georgia Railroad Company, and receiving instructions from him in regard to the wishes of the Company, I proceeded to make with my examination: and as my instructions required the Tallahassee should be a point in the route, it became necessary to examine the broken and hilly nature of the country in its vicinity, to ascertain the most advantageous route for the road in its approach and termination from the city.

After a critical examination and full inquiry of those best acquainted with the country in the vicinity of the city, I became satisfied

the least expensive and most feasible approach from the East; would be up a valley leading from the western end of Lake Lafayette to a depression in the Ridge east of the city. This depression is between Miller's plantation and Shine's Brick-yard, and leads into the valley of the St. Augustine Branch. From thence there are two routes that suggest themselves, one following the side slope of the valley of St. Augustine branch to the southward, with gentle curves to the vicinity of the St. Mark's Depot, and thence up the valley to the Quincy Road, thence to a depression in the St. Louis Ridge some 300 yards south of the Quincy Road; or 2dly. to the depression in the ridge east of Tallahassee, directly across the valley of St. Augustine creek, and through the street leading east and west by the Jail, to a valley west of the present settled portion of the city, and a very suitable place for a depot; thence to the eastern limits of the city, thence through the first ridge west of the city with slight cutting for $\frac{1}{4}$ of a mile, and striking the Quincy Road at the corner of Mr. Fisher's plantation, thence to the depression in the St. Louis Ridge as the first route, thence to Jackson Bluff Road in the neighborhood of Dabney's. This last route would be nearly direct, but would require a heavy embankment across the St. Augustine branch valley, and a cut of some depth in the ridge through which the city is mainly built. Upon the whole, I should give it the preference in consequence of the saving of distance and the avoidance of curves. From the Jackson Bluff Road near Dabney's, following near the Road over a level and favorable country around the south end of Gum Swamp, near the base line thence up the valley of Poly branch to the land near Mr. J. Hale's residence, thence over a flat country, past Mr. Raul's to north, (12 miles from Tallahassee,) the route is nearly a dead level until you reach Pork creek near Fort Bragg. This valley is about 400 yards wide, and would require an embankment or trestle-work 30 feet high in the highest part, and a culvert or culvert of forty feet span, thence the country continues on a level to near Cashe's Landing, on the Ochlocknee River, where there is a favorable crossing—having a high bluff on the east with a bridge 150 feet long, and thence by trestle-work 12 feet high for 300 yards, and thence an embankment eight feet high for 600 yards to the high pine woods on the west side of the river. This crossing is about $\frac{1}{4}$ of a mile south of the base line, and the route continues over a slightly undulating country near J. Well's & Bradshaw's dwelling's, keeping on the Black Jack separating Bear Creek and Ochlawahaw creek, the general bearing being about North 50 deg. west, until we strike the 3 Notch Road from Tallahassee; at 41 miles from Tallahassee on said Road, the route passes through the gap between Cany, Rocky Comfort, Bear Creek, Tolugee and Ochlawahaw creeks, thence the route follows the Tolugee valley and crosses below its junction with Mule

creek, (and distant about ten miles from Rock Bluff on Apalachicola River), thence over a rolling Black Jack and sandy country to the Apalachicola river, where it is two hundred yards wide between banks, with high Rock bluff on the east side and a low swamp on the west, $\frac{3}{4}$ of a mile wide and covered at high water to the depth of 8 feet. There is plenty of lime-stone rock at this point suitable for building purposes; the depth of water in the channel is on an average 30 feet, the water rising in the highest freshets about 20 feet. This point may be approached from the Table Land to the east by a narrow ridge descending towards the river for $\frac{3}{4}$ of a mile, thence a narrow ridge 150 yards long by 30 feet deep, to another point leading quite to the River. This point is some eight miles from the Base Line, and in a good position for continuing the route westward through the fertile and populous portion of Jackson County. This is a very favorable route the whole distance from Tallahassee, say 45 miles, with few natural obstacles to contend with, and little horizontal curvatures. It however passes through generally poor and sparsely settled country. At Ocheseee, $1\frac{1}{2}$ above Rock Bluff, the lowlands on the east side are some 800 yards wide, and on the west about 600 yards wide, and subject to the same overflow as those at Rock Bluff on the west side. This being the limit of my instructions westward, I retraced my steps following the 3 Notch Road to Mule Creek, and thence diverged more northerly with a view to find a more central route through the fertile and populous portion of Gadsden County. The first obstacle on this route is Mule creek, where a dam or embankment 400 yards long and 10 feet high, with a bridge of 40 feet span, will be required, thence leaving the road and passing over a favorable country to Tolugee, which is crossed below the junction with the Tallahassee branch and Yon Creek near Edenfield's, requiring trestle-works $\frac{1}{2}$ mile and a bridge with 40 feet span and twenty feet high, thence to the Table Land leading to Rocky Comfort Creek, leaving Bethel Church west of Tolugee $\frac{1}{2}$ a mile south, as also Thomas', Picketts' and Worthington's, to the south, and following down a valley leading into Rocky Comfort Creek, a little north of the ford and McCall's, and descending into the valley of Rocky Comfort Creek, crossing several deep ravines to the bottom lands, rising on an embankment some 600 yards long, with a bridge 60 feet high, thence up a valley leading South-East at an ascent of 60 feet to the top of the ridge, passing between Mr. Meacham's and Dr. Williams' mill, the top of the ridge, thence leaving Mrs. Lines' mill $\frac{1}{2}$ mile to the south, winding around the slope of the hill at a grade of 40 feet to the table land between Lynes' mill creek and Little River, crossing the Road from Quincy to Jackson Bluff five miles from the former place—thence a cut through a ridge 200 yards, two feet deep to the head of a valley leading East, to Little River above the lower bridge, and in descending at 40 feet per mile, passing through Alston's plantation to the valley, requiring an embankment

ent $\frac{1}{2}$ mile long and 20 feet high, and a bridge 150 feet long—
 thence an ascent 40 feet per mile for $\frac{1}{2}$ mile, to top of Ridge between
 Little River and Munroe's Mill Creek with $\frac{1}{2}$ mile cutting, twenty
 feet deep; thence near the Quincy road to the valley of Munroe's
 Mill Creek, with a descending grade of 40 feet per mile, and requir-
 ing tressle-work 300 yards long and twenty feet high, and bridge
 100 span; thence by a valley running East, at an ascending grade
 of 40 feet per mile, for $\frac{1}{2}$ of a mile, to a ridge (4 miles from the
 Ocklocknee River, at the Bridge,) thence following a valley on the
 North side of the Road, to the River, or leaving the 3 Notch Road 4
 miles west of the Bridge, and pursuing a course about east to the
 Ocklocknee, at Munson's Mill; thence following up a valley, and
 striking the Base Line about one mile east of Joe Hales' residence,
 and not far from the head of Poly branch; thence on to Tallahassee,
 as described above. In reference to the portion of country lying
 West of Tallahassee to the Apalachicola River, I must remark that
 the route examined following in the immediate vicinity of the base
 line to the Tolugee, and thence diverging to Rock Bluff, is unques-
 tionably the most direct route, and requiring fewer horizontal curves,
 and less deep cutting and embankment, as also less bridging and
 diversions, than any other through that section of country, passing
 generally through rather a level country, and on the dividing ridge
 between the streams emptying to the north into the Ochlocknee and
 those which fall in lower down. On the upper route examined by
 me through Gadsden county, from the numerous creeks and rivers
 through that section, rising west and north near the Georgia Line,
 and running generally a South or South-East course, with no lead-
 ing valley or ridge of any extent in a direction eastwardly, there would
 be much heavy cutting and filling, with a great deal of horizontal curva-
 res, as well as much bridging. The valleys of all the streams to be
 crossed between the Apalachicola and Ocklocknee on this route, are
 very deep, such as Mule Creek, Tolugee, Rocky Comfort, Line's Mill
 Creek, Little River, Munroe's Mill Creek, and a number of deep ran-
 ges, would render the construction of a road through that immedi-
 ate section very expensive, and would require a very careful and
 minute Instrumental survey before the route could be definitely loca-
 ted. It would certainly be much more beneficial, however, to the
 farming interests of that county, to have the road through that por-
 tion of it. At the same time I am free to say, that for a general high-
 way for travel, as also for commercial purposes, the most direct route
 between the extreme points, should as a general rule be adopted.
 From Tallahassee Eastwardly, the route would pass through a
 depression in the ridge East of Tallahassee, and a little South of
 the mines, Brick-Yard, with a gentle grade to the Western end of the
 valley of Lake Lafayette, thence along said valley to its Eastern
 limit $\frac{1}{2}$ mile North of the Cross Roads from Tallahassee to St.
 Marks, at 10 miles from the former place; thence over a favorable

country near St. Augustine road, to Roache's X Roads, 13 miles from Tallahassee, keeping near the base line to the vicinity of W. Jones' Mill; thence a little South of the base line, crossing a sinking branch of St. Marks River, to the valley of a branch of St. Marks coming from the North-East with a gentle slope; thence to another valley running East, and passing a little North of Gadsden's and Octavius Gadsden's residences, to the base line on a ridge near Gales, thence following the base line through a swamp, ($\frac{1}{2}$ mile, depth of water 5 feet,) to the Pinhook Road, 1 mile North of Wakeena or Marion X Roads,) thence through a valley leaving Mrs. Houston's to the South, down to Gorman's Mill Site; thence over a rolling country with gentle grades and moderate curves to Long's Branch; thence along the base line through a swamp $2\frac{1}{2}$ miles to the flat woods of the Ocilla, through several swamps from $\frac{1}{4}$ to half mile in width, and crossing two creeks, one 100 feet, the other 400 feet wide, to W. Harrison's Bridge on the Ocilla River—or by passing North of base line leaving Long's branch, over a rolling country and striking the Ocilla at Harrison's bridge, where there is a favorable crossing requiring a Bridge 100 feet long and trestle work 10 feet high, 200 yards long, to high pine land on the West side—on the East side is a bluff 20 feet high up to the River; thence through a favorable valley passing through Harrison's plantation and a little South of the base line, and crossing the Hickstown slough, with a bridge 200 feet long, near the Road to Madison Court House, through a rolling country and requiring considerable horizontal curvature, with some short but deep cuts, until we strike a valley running just South of Madison Court House; thence along a ravine leaving the river to the North and up a gentle slope to the table land; thence keeping on the table land with gentle curves to near Peirson's, thence over a favorable country to the Withlacoochee at the Spring, one mile above the Indian ford, high pine woods on the East side, the banks of the river nearly perpendicular and composed of secondary lime stone rock, the banks being from 25 to 30 feet high; thence over a beautiful, gently rolling pine country 3 miles to the Okohatchie drain, 300 yards wide; thence North East to the Alabama at Jenney's Bluff, $2\frac{1}{2}$ miles below the Georgia line, Bluff 100 feet high, requiring a bridge 200 feet long and trestle work 200 feet long on the East side; thence through a rolling country to the Georgia line, 8 miles East of the Alapahaw. From Madison Court House this is the proposed connexion West with Georgia. Near the Georgia line I examined a route running South, near Jacksonville and crossing the Suwannee near the Lower Springs, requiring a Bridge 600 feet long and trestle work 200 yards over the river to intersect the route from Madison Court House running East. Range 14, Township 2, South. This route from the Georgia

over a very favorable country, and would afford a connexion between the Eastern district and Georgia.

To return near to Madison Court House and take up the route on the West, in that vicinity: the route should follow out the way leading South of the factory, and thence keep the table land for the stage road to Columbus, over a gently rolling country, to a key (a little South of the stage road,) leading to the river about $\frac{1}{2}$ mile South of the bridge at Columbus, where there is a favorable crossing the river being 130 yards wide with high bluffs on each side, and a back slough on the East side 30 feet above ordinary stage, through which the waters flow at extreme high water, which would require an embankment 200 yards long, and 5 feet high.—The substrata of both of the banks and bottom of the river at this point are of lime stone rock, suitable for building purposes. This crossing is about 2 miles South of the base line. Thence a course about South East, near the road from Columbus to Alligator in Columbia County, the first portion of the route being over a gently rolling country admitting of easy grades, with little horizontal curves for some three miles, then over a flat level country for five miles; then over a gently rolling country to Johnson's some 18 miles from Columbus; thence over a flat country with occasional swamps to the vicinity of McClellan's on Little River, 27 miles from Columbus; thence 12 miles to the vicinity of the town of Alligator. From Alligator, for the purpose of avoiding the heavy Swamps and the ravines of the streams flowing into the South Prong of the St. Marys river, and keeping on the dividing ridge between the waters of the St. Marys and those of the San Taffee River, the route should pursue a course of about 70° East, running in the vicinity of the Black Creek Road, passing over a favorable country with easy grades and few small creeks, requiring culverts to the Oluatee creek, 12 miles from Alligator where a bridge of 100 feet span would be required; thence the route passes through a low level country interspersed with small ponds and cypress slashes to the head of New River, in the neighborhood of Weston's, 38 miles from Alligator. This portion of the route from Alligator will require but little more than raising the Roadway, and ditches, on each side to raise the Roadbed above high water, with frequent culverts to pass off the collected water. In the vicinity of this place, say in Township 5 South, Range 21 or 22 East, this route would intersect the Air Line Road from Amelia Island to Cedar Keys; thence a course about North to Amelia Island, the route passes on the dividing ridge between the waters emptying into the St. Marys River to the North, and those of Black Creek and St. Johns to the South and East, the country being flat and intersected with cypress ponds and slashes, no streams requiring extensive bridging, and passing the head of Front Creek and several small branches, over a flat level country to a marsh on the South side of Thomas Swamp, and crossing

said marsh ($\frac{1}{2}$ mile) and a creek requiring a Bridge 30 feet span, little North of Boat Swamp, to high pine land, thence across a slough, dry at low water, to another neck of Land; thence across marsh $\frac{1}{2}$ mile wide, to Halfmoon Island, to the marsh of Nassau River, ($\frac{1}{2}$ miles wide,) the river requiring a Bridge of 200 feet span, with draw for the passage of vessels, there being 20 feet water in the channel; thence across a neck of high land one mile to Loftin's Creek, requiring a Bridge 200 feet long and trestle one mile, to high level land with small wet slough, requiring a culverts, to the head of a dry marsh north of Harrison's Plantation, "called Orange Grove," to the Isle of Pines; thence across the marsh of Amelia River $1\frac{1}{2}$ miles, and Bridge 200 feet span, (the cut made by the United States Grant) with a draw, to Amelia Island; thence north, on said Island, 3 miles to Yellow Bluff, one mile south of the site of old town of Fernandina, within 3 miles of the St. Mary's Bar, admitting vessels drawing 18 feet of water with an ample harbor, completely land-locked, for any amount of commerce, with 25 feet of water immediately along side of the beach with a high elevated table land within one mile of the sea-beach, an abundance of pure fresh water, insuring health throughout the year. This terminus is wholly within the State of Florida, and should the Railroad project be consummated, would enable the State to reach in a few years, of having as advantageous an Atlantic city and harbor for commercial purposes as any State south of Virginia, would ask if this is not an object worthy of the co-operation of true-hearted and patriotic Floridians? Let us then all unite, Middle, South and East, to concentrate the energies of the State in building up a great Florida sea-port on the Atlantic, corresponding as near as possible, with that unrivaled harbor, Pensacola, on the Gulf, thus securing to our State two commercial points, one on the extreme South-West and the other on the North-East, that will compare favorably with those of any other State in the Union.

The route, as described above, will pass within 12 miles of the Town of Jacksonville, on St. John's River, this distance being a flat level country, intersected with small sluices or drains, and press ponds, over which a Road might be located without any difficulty, requiring nothing but good ditches on each side, and culverts at intervals of half a mile, to take off the waters which collect in heavy falls of rain.

In regard to the St. John's being looked to, as the main terminus of so great an enterprise, I regret sincerely it is not in my power to recommend it, from the fact of there not being sufficient depth of water on the Bar at its mouth to admit the larger class of sea-going or sail vessels, there being at low water not over nine feet, often less; and the prospect of improving it, so as to give a safe draft, is so distant as to forbid any calculations being made of

The measured distances on the map, by an air line from the Apalachicola River eastward, are as follows:

from Rock Bluff, on the Apalachicola River, to Tallahassee,	40 miles.
Add 15 per cent. for variation from air line,	6 "
from Tallahassee to the Suwannee River	65 "
Add 15 per cent. for variation from air line	9 $\frac{1}{2}$ "
from the Suwannee at Columbus to intersect with the Peninsula Road in Township 5, South, Ranges 21 and 22 East	60 "
Add for variation from air line 3 per cent.	1 $\frac{1}{2}$ "
from intersection in Township 5 South, Ranges 21 and 22 East to Amelia Island,	55 "
Add for variation from air line 4 per cent.	2 $\frac{1}{2}$ "

Making the distance from Rock Bluff to Amelia Island and	239 $\frac{1}{2}$ "
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for the distance through the Middle District 120 $\frac{1}{2}$ miles, and the length of Road through the Eastern District, 119 miles.

from the Apalachicola River to the intersection with the Peninsula Road,	182 $\frac{1}{2}$ miles.
hence to Jacksonville on St. John's River,	36 "

length of Road from Apalachicola River to St. Johns,	218 $\frac{1}{2}$ "
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for the distance from the Apalachicola River to Madison Court House,	107 miles.
hence to the Georgia line east of the Alapahaw,	35 "

Making the distance from the Apalachicola to the Georgia Line,	142 miles.
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from the Georgia Line east of the Alapahaw to intersect the route to the East of the Suwannee,	25 "
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I present no detailed account of the cost of this Road from the fact that nothing more than a reconnoissance was required. But I can say with confidence, however, that there is no doubt, but that it can be constructed for as small an amount per mile, as the same number of miles of Road in any part of the United States.

Thus, Sir, I have given you as succinct and minute a statement of the difficulties to be overcome by a Railroad from the Apalachicola River through Tallahassee to the St. John's River, Amelia Island, and the Georgia Line east of the Alapahaw, as the nature of the examination will admit, and when it is remembered that over portions of the route I was compelled to proceed with a guide, it may be possible that I may not in the whole distance have followed that

route that may be found best when the instruments come to be set to the ground.

With much respect, I have the honor to submit the above Report
And remain your obedient servant,

F. L. DANCY,
State Engineer,

[B.]

Canal Report.

OFFICE OF STATE ENGINEER,
PALATKA, FLORIDA, November 10th, 1854

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR :—In obedience to your instructions, dated November 1853, after repeated interruptions and delays from various causes, I started on the 20th day of May, ultimo, to examine the upper St. Johns River, "with the view of ascertaining the practicability of connecting its waters with those of Indian River, by a navigable canal," "to be laid before the next General Assembly."

To do this it first became necessary to ascertain up to what point the St. Johns is at present navigable, (or may be rendered so by a moderate outlay,) and then to ascertain the nature of the intervening country, and the distance from the point so found, to a point on the Indian River at which the same, or even a greater draft of water could be carried through its length. In proceeding to ascertain these facts, there being no settlements on the St. Johns or regular course on its waters higher up than Lake Monroe, and being unable to obtain any reliable information how high up the River it could be necessary to examine, I took passage, (with my party and necessary outfit, for both land and water transportation, from Palatka on the St. Johns River, some ninety miles from its mouth,) on the steamer Darlington; bound for Enterprise on Lake Monroe, some 120 miles above Palatka, on the 21st day of May, 1854. Up to this point, the steamer Darlington, measuring 298 tons and drawing 4 feet of water, plies regularly once a week from Jacksonville touching at all the intermediate landings on the river, thus making the distance now navigated by steamboats on the St. Johns, over one hundred miles.

At Lake Monroe I was informed that the Lake and River were then at about the ordinary stage. From thence I proceeded in a rowed boat, with a portion of my hands and baggage up the river, leaving my teams and the balance of my party by land to meet me at the Salt Lake some 60 miles distant.) The Bar or inlet at the head of Lake Monroe, had on it at that time 5 feet of water,

depth continues over a space of some 100 yards into the lake ; thence the river is from eighty to 100 yards wide, and meanders with gentle curves through an extensive prairie or marsh, occasionally coming quite up to the high land on either side of the river bottom. It continues thus, without any very great variation, up to the inlet from Lake Jessup. This Lake lies to the southwest, and empties into the St. Johns, some 15 miles above Lake Monroe ; the route up the St. Johns passes within sight of the Lake, but does not enter it ; thence the St. Johns continues with little change in its general features up to Lake Harney, some 40 miles above Lake Monroe. The river rather more frequently, in this latter distance, approaches the high land on either side—the water deep and the curves very gentle, presenting no obstacles to navigation, and in fact, but for its windings, resembles an artificial canal very much, as there is on either bank, except at intervals where creeks or drains make in from the prairies, an elevated bank from 3 to 4 and 5 feet above the level of the water in the river, and from 10 to 30 and 40 feet wide, with a beautiful growth of live oak, hickory and various other forest trees and vines in the greatest profusion and luxuriance, extending their foliage for a considerable distance over the waters of the River. The trees have in many places as much regularity as if they had been planted by the hand of man. The whole distance from Lake Monroe to Lake Harney, the river and the adjacent country, presents a most beautiful and variegated landscape. The marshes or prairies in this portion of the river are in places from two to four miles in width, and would average $2\frac{1}{2}$ miles; they are occasionally interspersed with small mounds or islands covered with timber. The prairies are sufficiently firm for cattle to walk over them, and are covered with maiden cane grass from 4 to 10 feet high and exceedingly thick, affording luxuriant pasturage the whole year round for stock. Lake Harney is some five miles in length from North to South, and from $\frac{1}{2}$ to 2 miles wide. From this Lake the entrance from the South is a very shoal for several hundred yards into the Lake, there being at this time not more than thirty inches on the bar, thence South the river becomes quite narrow, from 30 to 60 yards wide and very winding for some two miles, when it opens out into a small lake or basin a mile wide east and west, and $\frac{1}{2}$ mile north and south. At its south end the river enters by several small slues or channels, the widest not more than 30 feet wide and 24 inches on the bar at the entrance into the Lake; thence the river winds in every direction for twenty miles, (the distance ascended by me,) through extensive prairies from 5 to 10 miles in width, and the channel frequently so narrow that the oars of my boat were often in the marsh on both sides at the same time, with frequent shoals with not more than two feet of water over them. After finding such to be the nature of the river, and so different from what I had been led to expect, as steam boats had ascended even as high as Lake Poinsett during the Indian war,

5App

which must evidently have been during a very high stage of I at once came to the conclusion that it would cost as much or to render that portion of the river at all times navigable as to few additional miles of canal through high land, and moreover was no place in that distance, (20 miles,) where the river approached nearer than one mile to high land on either side, so extensive the prairies in this portion of the river. Again, Indian River is a broad open sheet of water, nearly strait from north to south, from Lucie Sound to as far north as the Haulover, in township 20 33 E., the same as the south end of Lake Harney.

I therefore determined to return to Lake Harney, and examine the eastern shore, to ascertain if a suitable place could be found for the commencement of a canal. I found near the south-east point of high land where there was sufficient water within 100 feet of the beach, suitable for such a purpose. I therefore determined to survey the route from that point, starting at the $\frac{1}{2}$ mile station, between sections 20 and 29, T. 20 S., R. 33 east of the public surveys, and intended running a due east line to Indian River. After proceeding 4 miles through a flat level country, my guide urged me to change course, that I would otherwise encounter an extensive cypress swamp. I did so, and after several slight variations from a due east course, I reached Indian River somewhat above the Haulover on the eastern shore leading to New Smyrna, whereas the true line should strike one mile south of said Haulover, where there is plenty of water on the shore. The distance across I found to be 12 miles 901 feet. The greatest elevation between the two rivers I found to be 12 feet, and this for a very short distance. There is but one change of course in the whole distance; that is a cypress swamp which greatly holds water. It lies at the distance of 72-3 miles from Lake Harney and near the summit level. The country is open pine and palmetto, interspersed with numerous cypress ponds, mostly holding water, but shallow, none being more than 3 or 4 feet deep. The first 3 or 4 feet from the surface of the earth is a compact and black sand, and is mostly underlaid with marl or a mixture of clay, shell and sand.

As the present draft of water in each river, from their point of junction with the canal, is from $4\frac{1}{2}$ to 5 feet, I propose a canal 4 feet wide at bottom, to start from four feet water in Lake Harney and to descend to the same depth below the water level in Indian River, and as there is a difference between the water level of Lake Harney and that of Indian River of 3 feet 6 inches, it will give the bottom of the canal a slope towards the latter of $3\frac{1}{2}$ inches per mile, not sufficient to cause any difficulty in navigating the canal with sails or oars. I propose also, a lock at each end, one of six feet and the other of eight feet. Likewise a basin or side bay for the passage of boats about midway the length of the canal. The locks are to prevent the flow of the current through the canal, which

itted, would form a shoal or shoals at either end of the canal. That there will always be a full supply of water in the canal as proposed for navigation, I have no question, as the natural filtration alone would afford it, from the fact that the shallow ponds not more than a few feet deep are scarcely ever dry, and then the canal could always be kept full, should there be any deficiency from that source, by allowing the water from the Lake to flow into the canal through the locks. The locks should be of wood or stone, there being an abundance of the latter material on Indian River of an excellent quality for such a work, and I am of the opinion that the expense of building with stone would be but a fraction more than of wood; and the locks would be much more durable.

The excavation for said canal, the distance being twelve miles and nine hundred feet, would require the removal of 3,115,433 cubic yards of earth, which from its nature would cost not more than six cents per cubic yard, equal to

	\$186,925 98
The Locks would cost an average of \$5,000 each,	10,000 00
Add ten per cent for contingencies,	1,869 25
	\$198,795 23

Making the entire cost.

\$198,795 23

For further information in reference to the Canal, see the accompanying map.

Now we will enquire, what are the inducements for the State to expend such an amount for this purpose. In the first place, I have been informed by the State Agent for the selection of swamp lands, that he has taken the whole country South of Township 20, South, Range 33 East, with the exception of the private grants and a few fractional Townships, so far as the Public Surveys have yet extended. This would give the State in the district lying contiguous to the St. Johns and Indian River, to the mouth of the St. Lucie River, something over 1,300,000 acres of land; which, under the present circumstances, is literally worthless, from the fact that it is almost inaccessible either by land or water, there being as good as no road seaward from Indian River, that which is known as the bar, constantly shifting, and has at best, only from three to five feet of water, and no roads, if we except the Military Road from Fort Capron on Indian River across the Peninsula to Charlotte Harbor, on the Gulf Coast. This is the only wagon road in that part of the country, the routes travelled at this time in all other directions being by trails or horse paths; causing that whole region to be a Terra incognita to all except a few hardy and enterprising adventurers, who have located in defiance of all obstacles, on the Western bank of Indian River, from 80 to 100 miles South of the point where the proposed Canal will enter said River. As to the value of these lands, I am satisfied, from my own observation, that there is scarcely a single mile in the whole length of Indian River on the Western bank, (which is in general from 10 to 30 feet high, with miles of a

bold, rocky shore,) where small bodies of excellent land suitable for 5 to 10 working hands could be obtained, and where from the delicious and genial climate, most, if not all the Tropical fruits and vegetables, as well as Sugar Cane may be raised in perfection. The lands back from the River are, in places, high, rolling and covered with pine, and scrub oak ridges, with frequent ponds and savannas and occasional small, rich hammocks, and many beautiful pine islands convenient for stock raising, with excellent range, both on the John's prairies and in the low lands and ponds intervening between it and Indian River. These lands, if furnished with a suitable outlet, would in a very few years command, much of them, from \$2 to \$3 per acre; and their enhanced value would double, aye, treble the outlay necessary to open this Canal. Beside which, Indian River could be made to supply the whole of Florida, and in fact, the Southern Atlantic market with Fish and Oysters of the finest quality. It would open an outlet to the markets of the whole country, the finest tropical fruit region in the United States. Moreover, no healthier region can be found in America, than the West bank of Indian River and between it and the ocean. In a military point of view it would be of incalculable benefit, as it would enable the Government to send troops, supplies, &c., inland by water from Charleston, S. C., to within a few miles of Cape Florida, without the least danger, either from storms or hostile fleets. It would add to the commerce of Florida, through the St. Johns River, an amount which this day cannot even be approximated. This link of twelve miles would give to East and South Florida, an improvement that will greatly facilitate their intercourse and commerce with the rest of the State, and which, from the peculiar features of the country, would do more than what the system of Railroads proposed in another community would do for the other portions of the State. This improvement would not only benefit the lands immediately bordering the rivers, but would extend its influence even to the Everglades, which, if ever settled, (of which I have no question whenever the Indians are removed,) the principal outlet will be through this Canal. The North and Charlotte Harbor to the West, for all produce raised in that region.

I therefore, feel myself fully justifiable, in most earnestly recommending that this be one of the first works authorized by the General Assembly, as by inducing emigration to that portion of the State, it would doubtless have a most beneficial influence on the few remaining Indians now inhabiting that section, and would in a few years (unless they should sooner be removed,) completely cut them off from the Atlantic sea-board.

Which is respectfully submitted,

By your obedient servant,

F. L. DANCY

State Engineer and Geologist

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ENGINEER'S OFFICE,
PALATKA, Fla., August, 5th, 1854. }

His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In obedience to "Resolution No. 3 of the General Assembly of this State, Approved 14th of January, 1853," I have examined and have now the honor to report "upon the practicability of draining the submerged lands, in rear of St. Lucie Sound, commonly known as the main Savannah in said County of St. Lucie." The delay in making this examination, has arisen partly from the want of the necessary instruments, and after their receipt, in September, 1854, by the necessity of finishing certain other duties in which I was then engaged.

The St. Lucie savannah, or "main savannah in St. Lucie County," is a long, narrow pond or savannah, lying nearly parallel to St. Lucie Sound, and separated from it by a ridge of sand, which is underlain at intervals by a shell or coquina rock. The horizontal distance from the eastern margin of the savannah to the margin of St. Lucie Sound, at a place known as Capt. Davis's, is 550 (five hundred and fifty) feet, with an elevation at the highest point of the intervening ridge of 33 feet and 4 inches. At this point, a cut twelve (12) feet deep at bottom and side slopes $1\frac{1}{2}$ horizontal to 1 vertical, will require an excavation of 11,000 (eleven thousand) cubic yards of earth, as the bed of the savannah is 15 feet 3 inches (fifteen three) feet higher than the water-level of St. Lucie Sound, there can be no doubt of the practicability of draining off the water from the savannah, whose greatest depth does not exceed (5) five feet. The rock taken of as underlying the sand will be no obstacle, as it lies too deep to interfere to any extent with the excavation. The dimensions of the cut proposed is deemed ample, as the flow of water at first will be so great as to cause it to wash out, and continue to enlarge. This savannah is the receptacle of much of the water from the marshes and swamps lying to the westward, which in wet seasons overflow the slight elevations between them, and run into this, where the waters continue to accumulate until they obtain a sufficient height for it to overflow in its turn, and then the waters are discharged into the head of St. Lucie to the South, and the St. Sebastian River to the North. This Savannah is about (18) eighteen miles long, with an average width of ($\frac{1}{2}$) one-half mile. It is believed that from $\frac{1}{2}$ to $\frac{3}{4}$ of the land now covered by water, as also that occasionally submerged, would be very productive if properly drained, and that the whole of it would, from the genial climate in which it lies, yield sugar cane and all the Tropical fruits in perfection. Another great advantage of draining this savannah, in my opinion, is, the effect a new outlet would have in taking off the waters which fall in the

back country, which are now dammed up and prevented from flowing into the Sound by a ridge of sand, extending from the St. Sebastian to the St. Lucie river, a distance of some (50) fifty miles back of or to the westward of Indian river and St. Lucie Sound, without a single break in the whole of this distance of any consequence, where the accumulated waters can flow into either the river or sound. The waters consequently, in wet seasons, continue to accumulate until nearly the whole back country becomes submerged, and as they gradually subside by evaporation and filtration, the country covered to a great extent with ponds, savannahs and swamps. Now by making this new outlet, and gradually connecting the various savannahs and ponds in a direction East and West, the effect it will have in drying that whole country will be immediate. It is only in this way it can ever be drained with any advantage and at a reasonable expense. The country is so nearly level from North and South, with a slight descent to the Eastward, with the exception of the sand ridge above mentioned, that any cut East and West would draw to itself the waters from both North and South, and would in a short time form a considerable stream, and it is not probable that throwing such a volume of water into the St. Sebastian Sound, may cause such a flow of water seaward as may have any official effect on the bar at the outlet to the ocean.

Believing in the practicability of draining this savannah country, deeming it both necessary and proper for the development of the capabilities of the country, and that it can be accomplished for a small amount appropriated by the General Assembly, deducting the expenses of the preliminary survey and examination, I have the honor to request that the amount appropriated for this improvement may be transmitted to me, or placed at my disposal without unnecessary delay, that I may have the work executed at the earliest practicable moment. There were other points examined by me, but their cost so far exceeded the cost of the above named point, without any advantages to counterbalance the extra cost, that I have had no hesitation in adopting the above as the most suitable. This report, since it has been delayed in consequence of indisposition since my return from the south.

I remain very respectfully, sir,

Your obedient servant,

F. L. DANCY,
State Engineer and Geologist

o. III.]

ATTORNEY GENERAL'S REPORT.

ATTORNEY GENERAL'S OFFICE, }
TALLAHASSEE, November 18, 1854. }

His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In compliance with the act of July 23d, 1845, I have the honor to submit to your Excellency, to be laid before the Legislature, a report touching such matters as I am by law required to bring to the attention of the General Assembly.

The law referred to makes it the duty of the Attorney General to report "as to the effect and operation of the acts of the last previous session, the decisions of the Courts thereon, referring to the previous legislation on the subject, with such suggestions as (in my opinion) the public interest may demand."

The last Legislature, desiring to afford the people of this State Banking facilities as the necessities of the Country might require, and at the same time wishing to protect the public against the consequences of a circulation not based upon substantial capital, passed into a law the act entitled "An act to authorize the business banking."

It was doubtless supposed that the provisions of this law were sufficiently liberal to induce capitalists to embark in the business it authorizes, whilst the checks and restrictions embraced in it, would protect the public from imposition, and give confidence in the circulation throughout the State. No effort, however, has been made to diminish the business of Banking in this State as authorized by the law, and it has been suggested as one of the reasons, that any association or individual Banker would, in order to avoid the consequences which might result under the provisions of the sixth section, be inclined to keep on hand a large amount of unproductive capital, to meet the demands which might be made for the redemption of the circulating notes. The stock required to be deposited with the Comptroller being equal in amount with the bills put in circulation, may be regarded as a sufficient security to the public; but if in addition to this, the association or individual Banker finds it necessary to keep on hand a large amount of gold and silver, yielding no dividends or interest, it is manifest that the inducements to engage in the business must be considerably lessened. An amendment of the sixth section, with such other amendments of the law as the wisdom of the Legislature may suggest, may perhaps result beneficially. I would further suggest that this act be so amended and restricted as to prevent the abuse of the privileges it grants, by persons who

may literally comply with the pre-requisites of the law, and then resort to some State or Country remote from our's for the purpose of issuing the notes countersigned by the Comptroller, and transacting all other business authorized by the act, making Florida but not the location of the office or place of business. As the act stands, it is contended by some, that there is nothing to prevent those who seek the benefit of its provisions, to make Florida merely the place of business.

It will be seen by reference to the act entitled "An act to repeal quarantine laws in this State," passed at the last session, that the Port Physician is only authorized to order a vessel into quarantine in case any malignant, pestilential or infectious diseases have been introduced, or are prevailing on board. A most important omission, it occurs to me, has been made, in not granting the same authority in cases of vessels arriving from Ports where malignant or pestilential diseases exist or are prevailing, and I respectfully suggest the propriety of so amending the law, as to include the case referred to.

By the second section of the "act to repeal an act in relation to Pilotage for the Port of Key West," approved January 8, 1845, all laws and parts of laws in relation to pilotage at that port are repealed. The effect of this provision, as has been decided by the Supreme Court of the United States for the Southern District, has been to repeal all laws authorizing the appointment of the very commissioners who, by the third section, it was intended should have the power to make all necessary by-laws, &c., governing the subject. In consequence, I am assured, never was designed by the Legislature, and I call attention to it with the view that the necessary amendment may be made. But a reference to this act is also made with a more important purpose of suggesting, that the right of the Legislature to delegate to commissioners the power to make by-laws and regulations, prescribing the duties of, and imposing penalties upon pilots and masters of vessels, is very questionable. I am of opinion that under the constitution no such right exists. The Legislature is charged with the duty of making laws, and it cannot shift from itself the responsibility of their enactment, nor delegate to any other body the power which the Constitution has alone conferred to the representatives of the people. Hence all laws declaring the duties of pilots and masters of vessels, and imposing penalties for their violation, must be enacted by the Legislature; but the execution and details of their execution may be confided to the commissioners, together with authority to grant licenses, and to establish such regulations as may be necessary for the due fulfilment of the purposes of the law. By reference to the act mentioned, it will be found that the whole power over the subject is conferred upon the Commissioners.

By authority of the General Assembly, a suit was instituted by my predecessor in the Supreme Court of the United States to

the question of boundary between this State and the State of Georgia. On my assuming the duties of this office, I made inquiries into the posture of the case, and was informed that it had been set for a hearing on the second Monday of December last. The duty of conducting the prosecution of this cause having been imposed on the Attorney General, in conjunction with such additional counsel as should be engaged, I attended the last term of the Supreme Court at Washington, for the purpose of presenting the case, but found, on my arriving there, that it was not in a condition for argument on the day fixed for the hearing. Application was made by the counsel for Florida for a postponement for a fortnight, in the expectation that in that time the case could be placed in a condition to be heard. The Supreme Court, however, owing to the large number of cases pending, felt it to be its duty to deny the application, and to continue the case generally until the next term. The second Monday in December next having been appointed for the hearing, it is expected that the case will then be presented for the consideration of the Court. It may not be improper for me to remark that no blame is attached to my predecessor for the condition in which the case was found.

At the desire of the counsel for Georgia, a decretal order was entered by consent, at the last term, for the appointment of commissioners whose duty it should be, first, to run and mark a line from the confluence of Flint and Chattahoochee rivers, to the point designated by Ellicott and Minor, under the Treaty of 1795, between the United States and Spain, as the head of St. Marys river; and second, should they find such point not to be at the head of St. Marys river, then to run another line, from the confluence of Flint and Chattahoochee rivers to such point as they should determine to have for the head of St. Marys river at the date of said Treaty. Neither party, however, was to be concluded by the action of the commissioners. It was supposed that the execution of this order would materially expedite the cause, whilst, on the part of the counsel for Florida, it was hoped that the examinations by the Commissioners would throw such light upon the subject, as to show satisfactorily whether the claim which Florida asserts is as well founded in fact, as in law.

Subsequently, it being ascertained that time did not admit of the running of two lines within the period limited by the Court, by agreement of parties the decretal order referred to was modified so as to authorize the Commissioners to make the necessary examinations to determine the head of St. Marys river, before running and marking the line, the purpose being, if the Commissioners could agree on a point as the head of the river, to have but one line run.—It was further agreed to waive all departures from the terms of the original decretal order, as should be consistent with the said modification. The action of the Commissioners, under the order and its

modification, and the transactions connected therewith, as known to your Excellency, and if necessary can better be communicated to the General Assembly, by your Excellency, than self.

I am very Respectfully,
Your Obedient Serv't.,
M. D. P.

No. IV.]

QUARTER-MASTER'S REPORT.

QUARTER MASTER'S DEPARTMENT
April 13th, 1854.

His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—Yours of the 12th inst., calling for “a Report of the number and description of State Arms, now on hand at this department is received, and in response thereto I have the honor to submit the following Report:

Three pieces of Brass Ordnance, 6 pounders, with Carriages, Artillery, Harness and other Equipments complete.

Two hundred and fifty-nine Muskets and all Equipments, including Picks and Brushes.

One hundred and twenty one Rifles, with Equipments complete.

Three hundred and forty-eight Pistols, and Equipments complete.

Sixty one Muskets, Three Rifles, and eleven Pistols in service, and otherwise damaged condition.

Very Respectfully,
Your Obedient Serv't.
J. P. K. SAVAGE, Q. M.

Communication from Ordnance Department.

ORDNANCE OFFICE,
WASHINGTON, August 8, 1854.

His Excellency JAMES E. BROOME,
Governor of Florida :

SIR:—Your letter of the 1st inst., to the Secretary of War, is referred to this office. In answer I have to state that the records with Florida shows on the books of this office, that it has over

ns to an extent which will require from fourteen to fifteen year's
otas, according to its present Militia return, to cover.

The advances exceed the dues, including the quota for 1854, by
6 2-13 muskets, and the apportionment, according to the latest
urns, amounts to 68 muskets.

There is a regulation established by the President, in conformity
th the law for drawing the Militia, which prohibits issues to any
ate or Territory, to which no arms are due; so that no issues can
made to Florida at present.

The within mentioned balance of 996 2-13 muskets arises whol-
from advances made to the State of Florida in August, 1846, as
accompanying account current upon the application therefor, of
n. the J. D. Wescott, and the approval thereof of the Secretary
War, with the understanding that they were to be charged to
State under the law of 1808.

The balance of 252 10-13 muskets charged in the account cur-
t, arises from issues made in 1840 and 1843, and were legitimate-
debited to the Territory of Florida under the law of 1808.

Respectfully, Your Ob't. Servant,

A. K. CRAIG,
Col. Ord.

The State of Florida in account current with the United States.

	DB.	Muskets.
To balance due the United States to end of 1844,.....		252 10-13
" 4 6-pounder bronze guns, mounted complete,.....		
" 300 muskets and accoutrements,.....		
" 300 Hall's rifles and do.		
" 600 pistols,.....		
" 300 sets of Cavalry accoutrements,.....		
The whole being equivalent to,.....		1,579 5-13
		<u>1,832 2-13</u>

	CR.
Dec. 31. By apportionment of arms for 1845,.....	94
" 31. " " " " " 1846,.....	93
" 31. " " " " " 1847,.....	92
" 31. " " " " " 1848,.....	90
" 31. " " " " " 1849,.....	88
" 31. " " " " " 1850,.....	86
" 31. " " " " " 1851,.....	80
" 31. " " " " " 1852,.....	77
" 31. " " " " " 1853,.....	68
" 31. " " " " " 1854,.....	68
Balance due the United States to end of 1854, as per contra,.....	996 2-13
	<u>1,832 2-13</u>

Balance due the United States, as per contra,..... 996 2-13

A. K. CRAIG, Col. Ord.

WARREN OFFICE, Washington, Aug. 8, 1853.

and

the Seminary Fund, &c., in account with JOHN BEARD, Comptroller.

mi

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53.

pt.

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The Internal Improvement Fund, with JOHN BEARD, Comptroller

		DR.	
1854.			
Jan. 16.	To cash for exchange,.....	\$	10 39
March 27.	" \$31,000 No. Carolina Bonds, at a premium of 4 5-100 per cent, interest and exchange,.....		33,011 83
April 13.	" cash paid Treasurer,.....		256 19
			<u>\$33</u>
		CR.	
1852.			
Nov. 10.	By balance as per Report,.....	\$	18 41
1853.			
May 7.	" Interest on \$14,000 No. Carolina Bonds to January 1st, 1853,.....		420 00
July	" Interest on \$14,000 No. Carolina Bonds,.....		420 00
1854.			
Jan. 16.	" " " " " " " ".....		420 00
March 20.	" cash received from Treasurer,.....		32,000 00
			<u>\$33</u>

The Seminary Fund, in account with JOHN BEARD, Comptroller

		DR.	
1852.			
Nov. 17.	To cash lent the State of Florida, to pay claims arising under the Indian hostilities of 1849,.....	\$	4,500 00
1853.			
April 22.	" cash paid for exchange,.....		114 28
May 7.	" \$17,000 North Carolina Bonds amounting with interest to the day of purchase, and 5 1-10 per cent premium,.....		18,207 00
June	" cash lent Duval County,.....		1,000 00
Nov. 9.	" " paid Treasurer,.....		971 00
1854.			
Jan. 12.	" " " for exchange,.....		7 71
Feb. 26.	" " " Treasurer,.....		700 00
March 27.	" \$3,000 North Carolina Bonds, with premium and exchange,.....		8,194 70
April 13.	" cash paid Treasurer,.....		688 48
			<u>\$29</u>
		CR.	
1852.			
Nov. 10.	By balance, as per official Report of this date, \$18,843 15		15
1853.			
Jan. 22.	" Interest on \$19,500 Virginia Bonds,.....		585 00
April 22.	" cash received from Treasurer,.....		5,000 00
25.	" Interest on Georgia Bonds,.....		245 00
May 7.	" " " N. Carolina ".....		60 00
July 21.	" " " " " ".....		60 00
April.	" " " Virginia ".....		585 00
	" " " Georgia ".....		245 00
	" " " N. Carolina ".....		510 00
1854.			
Jan. 12.	" " " " " ".....		570 00
	" " " Georgia ".....		245 00
March 20.	" " " Virginia ".....		585 00
	" cash received from Treasurer,.....		2,000 00
			<u>\$29</u>

TREASURER'S REPORT.

TREASURER'S OFFICE,
TALLAHASSEE, November 1, 1854. }

His Excellency JAMES E. BROOME,

Governor of Florida:

SIR:—In compliance with the duties assigned by law, I have the honor herewith to submit my Reports, exhibiting the total receipts and expenditures of this Department for the Fiscal Year 1853, and the year ending October 31, 1854, the period for the fiscal year having been altered so as to terminate the 31st of December.

Very respectfully,

C. H. AUSTIN,
State Treasurer.

The Treasurer, in account with the State of Florida, for the Fiscal year 1853.

DR.

Nov. 1.	To balance from fiscal year,.....	\$	5,834 93
"	amount " Auction Tax,.....	\$	1,449 99
"	" " Fines,.....		1,859 85
"	" " Licenses,.....		4,835 88
"	" " Revenue, 1847,.....		41 97
"	" " " 1849,.....		29 83
"	" " " 1850,.....		10 32
"	" " " 1851,.....		2,212 93
"	" " " 1852,.....		45,188 38
"	" " " 1853,.....		1,473 32
<hr/>			
"	" loan from School Fund, by authority of Governor and Comptroller, received from United States, on account of Indian hostilities of 1849,.....		10,000 00
"	" " from lands bought in for Taxes,...		2,834 40
"	" " Loan from Internal Improvement Fund to pay Indian Hostilities, Act 39, Ch. 518 of 1853,.....		175 89
"	" Balance.....		25,000 00
<hr/>			
			\$109,876 31

CR.

By	Comptroller's warrants paid,.....	\$82,931 90
"	amount paid on account of Indian hostilities,.....	26,669 64
"	amount from lands bought in for taxes,...	248 52
"	" Treasury certificates redeemed,...	1 25
"	" Taxes refunded,.....	15 00
"	" profit and loss,.....	10 00
<hr/>		\$109,876 31

The Treasurer in account with the Internal Improvement Fund

1853.	DR.	
Nov. 1.	To balance as per last Report,.....	\$51,748 86
	" amount received from sales of land by Register,.....	2,152 05
	" Bonds received from sales of land by Register,.....	2,697 85
	" amount received from State Register,....	20,250 10
	" " " " interest account,...	86 98

1853.	CR.	
Jan. 7.	By amount refunded Wm. Watson, for improper entry of land, War. 182,.....	\$
	" amount returned W. M. Garrison, as per Act of Assembly, viz., cash \$32,45, bond \$87,45,.....	
24.	" War. 343 fav. W. R. Hayward, this fund's portion of \$200, for extra services,.....	
<i>Swamp Land Fund for the for the following advances :</i>		
Feb. 18.	By War. 378 favor J. J. Bryant, selecting Swamp lands,.....	\$ 250 00
April 23.	" " 477 " F. L. Dancey, Eng. and Geologist salary,.....	421 80
July 5.	" " 708 " same,.....	500 00
Sept. 26.	" " 802 " W. J. Young, Instru'ts. &c. for Eng. and Geol.,.....	198 50
30.	" " 825 " F. L. Dancey, Eng. and Geologist salary,.....	500 00

United States for advances of Indian Hostilities, as follows :

Feb. 17.	By loan to State of Florida, under Act 39, " Ch. 518, of 1853,.....	\$10,000 00
Sept. 30.	" loan to State of Florida, under the same,.....	15,000 00
Jan. 17.	" War. 665, favor D. S. Walker Expenses of land sale,.....	
July 5.	" Calhoun County, War. 715, favor S. Richards, loan to said County, Act 27, Ch. 338, Sec. 1, of 1850.....	
Sept. 9.	" Gadsden County, loan by authority of Comptroller,.....	
	" Bonds still due for land sales, carried down,.....	
	" Cash,.....	

To amount brought down, due by Swamp Land,.....	\$ 1,870 30
" " due by U. States for Indian hostilities,....	25,000 00
" " " Calhoun County,.....	650 00
" " " Gadsden ".....	1,150 00
" " " on bonds for land sales,.....	32,076 09
" " cash on hand,.....	15,669 16

NOTE.—By reference to the Report of the Treasurer for the fiscal year it will be seen that the sum of \$27,640 was transferred to the Comptroller's testament.

The Treasurer in account with the School Fund.

1883.	DR.	
ov'r 1.	To balance per last Report,.....	\$ 4,182 32
	" Amount received from sales of land,....	3,948 49
	" " bonds " " " "	716 38
34.	" " received from Marion County, on account of loan,.....	1,000 00
	" " received from lands redeemed, " " State' Register, from February 7 to October 4, as proceeds from land sales,....	396 04
	" " received on interest account,....	12,992 52
		892 32
		<hr/> \$24,128 07

	CR.	
by 17.	By United States for loan to the State of Florida for Ind. hostilities,....	\$10,000 00
pril 22.	" amount transferred to John Beard, Comp- troller, for investment,.....	4,000 00
	" " paid W. R. Hayward, late Treas- urer, this fund's portion for ex- tra services,.....	60 00
	" bonds from land sales,.....	2,668 53
	" cash on hand,.....	7,339 54
		<hr/> \$24,128 07
	amount advanced for Indian hostilities,.....	\$10,000 00
	" transferred to Comptroller for investment,....	4,000 00
	" bonds for land sales,.....	2,668 53
	cash on hand,.....	7,399 54
		<hr/> \$24,068 07

The Treasurer in account with the Seminary Fund.

53.	DR.	
ov'r 1.	To balance per last report,.....	\$4,544 66
	" amount received from land sales,.....	278 58
	" " bonds " " " "	550 00
	" " received from State Register, (from February 7 to October 4,) proceeds land sales,.....	2,953 36
	" " received on interest account,.....	71
		<hr/> \$8,327 31

	CR.	
ri 22.	By amount transferred to John Beard, Comp- troller, for investment,.....	\$5,000 00
t'r 31.	" " this fund's portion of \$200 paid W. R. Hayward, late Treasurer, for extra services,.....	15 00
	" " bonds from land sales,.....	2,364 07
	" cash on hand,.....	948 24
		<hr/> \$8,327 31

	amount transferred to John Beard, Comptroller, for investment,.....	\$5,000 00
	" bonds unpaid,.....	2,364 07
	cash on hand,.....	948 24
		<hr/> \$8,313 31

7App

*A Summary of the Receipts and Payments at the Treasury during
the Fiscal Year 1853.*

RECEIPTS.

On account of the State of Florida,.....	\$100,947 69	
" " " Internal Improvement Fund,.....	76,780 55	
" " " School Fund,.....	24,128 07	
" " " Seminary Fund,.....	8,327 31	
		<u>\$210,183 62</u>

PAYMENTS.

On account of the State of Florida,.....	\$109,276 31	
" " " Internal Improvem't Fund,.....	29,085 30	
" " " School Fund,.....	14,060 00	
" " " Seminary Fund,.....	5,015 00	
Balance, Bonds,.....	\$37,108 69	
Cash,.....	15,088 32—	<u>\$52,197 01</u>
		<u>\$210,183 62</u>

*The Treasurer in account with the State of Florida, from Novem-
ber 1, 1853, to November 1, 1854.*

1854.

DR.

Nov'r. 1.	To amount received from auction tax,.....	\$ 2,317 84	
" "	" " " " Fines,.....	1,626 60	
" "	" " " " Licenses,.....	6,083 06	
" "	" " " " Revenue 1852,....	1,408 82	
" "	" " " " " 1853,....	49,349 41	
" "	" " " " " 1854,....	2,035 78	
			<u>\$62,801 51</u>

CR.

Nov'r. 1.	By balance per last report,.....	\$ 8,928 62	
" "	" amount Comptroller's warrants paid,....	48,372 60	
" "	" " paid on account of Ind. hostilit's,.....	4,582 21	
" "	" Treasury certificates redeemed,.....	10 46	
" "	" lands bought in for taxes,.....	339 62	
" "	" balance,.....	568 00	
			<u>\$62,801 51</u>

The Treasurer in account with the Internal Improvement Fund.

1854.

DR.

Nov. 1.	To amount brought from former account, due		
" "	by Swamp Land Fund,.....	\$ 1,870 30	
" "	due by U. States, advanced on ac- count Indian hostilities,.....	25,000 00	
" "	" " Calhoun County, for loan,.....	650 00	
" "	" " Gadsladen " " " ".....	1,150 00	
" "	" on sundry bonds for land sales,.....	32,076 09	
" "	cash on hand from former account,.....	15,669 16	
" "	received from J. Beard, late Comp- troller, as uninvested balance,.....		<u>\$76,415 55</u>
			<u>256 19</u>

Nov. 1.	To amount received from State Register from	
	Nov. 7, 1853, to Oct.	
	2, 1854, from sales of	
	land,.....	25,264 88
" "	" " " " Interest account,....	1,866 43
		<hr/>
		\$103,803 05

1853. OR.

By loan to Swamp Land Fund, as follows:

Dec. 31.	Warrant 113, favor F. L. Duncay, Eng. and	
	Sur., for salary,.....	500 00
1854.		
Feb. 14.	" 191 and 263, same, expense Survey	
	Railroad route,.....	212 00
April 22.	" 250, same, Eng. &c., salary,....	500 00
July 10.	" 395, same, " " " " " "	500 00
Aug and	" 363, 475, 476, and 453 to 463, favor	
Sept.	Benet & Tensdale, R. R. Reed, and	
	others, for expenses of survey of St.	
	Johns and Indian River,.....	862 68
	" 464 to 474, favor Benet & Tensdale,	
	Huford, Russell and others, expenses	
	survey of St. Lucie Savannah,....	469 14
		<hr/>
		\$3,043 82
	By amount transferred to Jno. Beard, Comp-	
	troiler, for investment,.....	32,000 00
" "	due by Swamp Land Fund, bro't	
	down to be carried forward,....	1,870 30
" "	due by U. States, for advances on	
	count of Indian hostilities, bro't	
	down to be carried forward,....	25,000 00
" "	from Calhoun County, bro't down	
	and carried forward,.....	650 00
" "	from Gadsden County, same,....	1,150 00
" "	Bonds from former account,....	\$32,076 09
	Less amount collected,.....	16,211 00
		<hr/>
		15,865 09
" "	Cash on hand Nov. 1, 1854,.....	23,723 84
		<hr/>
		\$103,803 05

1854, Nov. 1.

To United States	amount loan to State on account of	
	Indian hostilities,.....	\$25,000 00
" amount due by Swamp Land Fund	brought down, \$3,043 82	
" " " " " " "	former account, 1,870 30	
		<hr/>
		\$4,914 12
" "	transferred to J. Beard, Comp., for investm't,	32,000 00
" "	due by Gadsden County, bro't down,....	1,150 00
" "	" " Calhoun " " " " " "	650 00
" "	Bonds due from land sales,.....	15,865 09
" "	Cash on hand,.....	23,723 84
		<hr/>
		\$103,803 05
Add United States for amount loaned to State (See		
Treasurer's Report 1853) on acc't of Ind. hostilities,		5,000 00
		<hr/>
		\$108,803 05

NOTE—Amount of State Bonds received from John Beard, late Comptroller for this "Fund,".....\$45,000 00

The Treasurer in account with the School Fund.

1854.

DR.

Nov'r 1.	To amounts brought from former account, United States for loan to State for Indian hostilities,.....	\$10,000 00
	Amount transferred to Compt'r for investm't,.....	4,000 00
	" bonds for land sales,.....	2,668 53
	" cash on hand,.....	7,339 54
		<hr/> \$24,068 07
April 13.	" received from John Beard, Comptroller, uninvested balance,....	\$ 1,061 45
26.	" received from lands redeemed,....	37 50
	" " from State Register, from November 7, 1853, to October 2, 1854, from proceeds land sales,.....	7,237 23
	" received on Interest account,....	888 76
		<hr/> \$33,293 01

CR.

Nov'r 1.	By amounts brought down to be carried forward, United States for loan to State for Indian hostilities,.....	\$10,000 00
" "	transferred to John Beard, Comptroller, for investment,.....	4,000 00
	" bonds from land sales,.....	\$ 2,668 53
	Less amount collected,.....	1,249 64
		<hr/> \$1,418 89
March 20.	" amount transferred to Comptroller for investment,.....	9,000 00
June 17.	" " Warrant 354, for D. S. Walker, Register, expenses land sales,.....	144 00
" "	Warrant 372, for W. P. Cunningham, teacher,.....	60 00
" "	cash on hand,.....	8,670 12
		<hr/> \$33,293 01

To amount	brought down, United States, for loan to State for Indian hostilities,.....	10,000 00
" "	transferred to J. Beard, Comptroller, for investment,.....	3,1000 00
" "	bonds for land sales,.....	1,418 89
" "	cash on hand,.....	8,670 12
		<hr/> \$33,089 01

Add amount loaned State, to pay expenses of General Assembly, January 24, 1851,.....	\$25,000 00
" balance (of principal) on bond for loan to Gadsden County,.....	5,763 38
	<hr/> \$30,763 38
	<hr/> \$63,852 39

NOTE—Amount of State bonds received from John Beard, late Comptroller, for this fund,.....\$41,500 00

The Treasurer, in account with the Seminary Fund.

1854.

DR.

Nov. 1.	To amounts from former accounts:	
"	" amount transferred to Compt'r, for investm't,	\$5,000 00
"	" Bonds unpaid,.....	2,364 09
"	" Cash on hand,.....	948 24
		<hr/>
		\$8,312 31
April 13.	" " received from J. Beard, Comptroller,	
	as unexpended balance,	838 46
"	" " State Register, from	
	Nov. 7, 1853, to Oct. 2, 1854, from	
	land sales,.....	3,189 86
"	" on interest account,.....	826 92
		<hr/>
		\$13,167 55

1854.

CR.

Nov. 1.	By amounts brought down to be carried forward:	
"	" amount transferred to Comptroller, for investment,.....	\$5,000 00
"	" Bonds for land sales,.....	\$2,364 07
	Less amount collected,.....	835 49
		<hr/>
		1,528 58
March 20.	" " transferred to Comp. for investm't,	2,000 00
"	" Cash on hand,.....	4,638 97
		<hr/>
		\$13,167 55

To amount brought down, viz:

"	" amount transferred to Comptroller, for investment,...	7,000 00
"	" Bonds uncollected,.....	1,528 58
"	" Cash on hand,.....	4,638 97
		<hr/>
		\$13,167 55

Add United States for this amount loaned to State to pay		
Indian hostilities,.....	\$4,500 00	
Loan to Duval County, April 20, 1853,.....	1,000 00	
	<hr/>	\$5,500 00
		<hr/>
		\$18,667 55

NOTE.—Amount received from John Beard, late Comptroller, in State Bonds for this "Fund,".....\$48,500 00

*A Summary of the Receipts and Payments at the Treasury from
November 1, 1853 to November 1, 1854.*

RECEIVED.

On account of State of Florida,.....	\$62,801 51
" " " Internal Improvement Fund,.....	74,832 75
" " " School Fund,.....	19,293 01
" " " Seminary Fund,.....	8,167 55
	<hr/>
	\$164,894 82

PAYMENTS.

On account of State of Florida,.....	\$62,233 51
" " " Internal Improvement Fund,.....	35,043 82
" " " School Fund,.....	9,204 00
" " " Seminary Fund,.....	2,000 00
Balance, (cash \$37,600.93, bonds \$18,812.56),.....	56,413 49
	<hr/> \$164,894 82

TALLAHASSEE FUND.

TREASURER'S OFFICE, }
TALLAHASSEE, November 1, 1854. }

His Excellency JAMES E. BROOME,
Governor of Florida :

SIR:—The Tallahassee Fund has 1,300 acres of land unsold, and a cash balance of fifty-two 44-100 dollars on hand, and owes the sum of 2843 12-100 dollars (principal) as far as information can be obtained. Some additional value has been given to the land by the emigration to that part of the State, I have made the effort to close the remainder of the Fund; its present creditors are unwilling so far to purchase land for their claims (as has been done previously,) nor has application been made for its purchase by others.

Very Respectfully,

C. H. AUSTIN,
Treasurer and Ex-Officio Commissioner Tallahassee Fund.

HOUSE JOURNAL.

A

Journal of the Proceedings

OF THE

HOUSE OF REPRESENTATIVES

OF THE

GENERAL ASSEMBLY OF THE STATE OF FLORIDA.

SEVENTH SESSION,

Began and Held at the Capitol in the City of Tallahassee, on
MONDAY, NOVEMBER 27, 1854.

Tallahassee :

OFFICE OF THE FLORIDIAN & JOURNAL.

PRINTED BY DYKE & WILLIAMS.

1854.

Gift of Gen. S. C. Cresswell.

Recd. June 5, 1855.

JOURNAL.

MONDAY, November 27th, 1854.

This being the day fixed by the Constitution of this State for the meeting of the General Assembly, the House of Representatives was called to order by F. L. Villepigue, Esq., Secretary of State, who proceeded to call the roll by Counties; when the following members appeared, presented their credentials and were sworn in by C. H. Austin, Esq., Justice of the Peace, to-wit:

<i>From Walton County,</i>	GILES BOWERS,
<i>" Holmes. "</i>	DEMPSEY FENNELL,
<i>" Jackson, "</i>	JOHN B. WHITEHURST,
	AUSTERLITZ L. RIVEIRE,
<i>" Gadsden "</i>	MILES M. JOHNSTON,
	D. W. HOLLAMAN,
	PAUL DISMUKES,
	N. D. ZEIGLER,
<i>" Leon "</i>	R. A. SHINE,
	JOHN B. GALBRAITH,
<i>" Jefferson "</i>	JOHN F. DEWITT,
<i>" Hamilton "</i>	JOSEPH R. HADDOCK,
<i>" Duval "</i>	MELTON HAYNES,
<i>" Nassau "</i>	HARLEY JONES,
<i>" Orange "</i>	ALGERNON S. SPEER.

There not being a quorum present, on motion of R. A. Shine, the House adjourned till to-morrow, 11 o'clock, A. M.

TUESDAY, November 28th, 1854.

The House met pursuant to adjournment, and was called to order. The journal of yesterday's proceedings was read and approved.

The roll being called by Counties, the following members appeared and took their seats:

<i>From Walton County,</i>	GILES BOWERS,
<i>" Holmes "</i>	DEMPSEY FENNELL,
<i>" Jackson "</i>	JOHN B. WHITEHURST,
	AUSTERLITZ L. RIVIERE,
	WILLIAM M. C. NEEL,

<i>From Gadsden County,</i>			MILES M. JOHNSTON,
			D. W. HOLLAMAN,
			PAUL DISMUKES,
			N. D. ZEIGLER.
"	<i>Calhoun</i>	"	JOEL PORTER,
"	<i>Franklin</i>	"	JAMES P. PENN,
"	<i>Leon</i>	"	JOHN B. GALBRAITH,
			RICHARD A. SHINE,
			JOSEPH B. CHRISTIE,
			GREEN CHAIRES,
"	<i>Wakulla</i>	"	A. R. COOMBS,
"	<i>Jefferson</i>	"	JOHN F. DEWITT,
			BURTON W. BELLAMY,
			JOSHUA L. TAYLOR,
"	<i>Madison</i>	"	BARTON C. POPE,
			THOMAS LANGFORD,
"	<i>Hamilton</i>	"	JOSEPH R. HADDOCK,
"	<i>Columbia</i>	"	GARRETT VANZANT,
			JOSIAH T. BAISDEN,
"	<i>Duval</i>	"	DARLING C. PRESCOTT,
			MELTON HAYNES,
"	<i>Nassau</i>	"	HARLEY JONES,
"	<i>St. Johns</i>	"	EDWARD J. DUMMETT,
"	<i>Orange</i>	"	ALGERNON S. SPEER,
"	<i>St. Lucie</i>	"	W. F. RUSSELL,
"	<i>Marion & Sumpter</i>	"	WILLIAM S. HARRIS,
"	<i>Levy</i>	"	JAMES F. THOMSON,
"	<i>Alachua</i>	"	PHILIP DELL,
"	<i>Hillsboro'</i>	"	JESSE CARTER.

There being a quorum present,

On motion Mr. Carter took the Chair.

On motion, the oath of office was administered by C. H. Austin, Esq., a Justice of the Peace, to Messrs. Neel, Porter, Penn, Christie, Chaires, Coombs, Taylor, Bellamy, Pope, Langford, VanZant, Baisden, Prescott, Dummett, Harris, Russell, J. F. Thomson, Carter, and Dell.

The House then proceeded to the election of a Speaker.

Mr. Neel nominated Mr. Shine of Leon County.

Mr. Harris nominated Mr. Russell of St. Lucie County.

The vote was:

For RUSSELL—Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Penn, Pope, Porter, Prescott, Shine, Taylor, Thomson of Levy and VanZant—20.

For SHINE—Messrs. Bowers, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Russell, Speer, Whitehurst and Zeigler—14.

Mr. Russell was declared duly elected Speaker of the House.

On motion, Messrs. Galbraith, Harris, and Thomson of Levy were appointed a Committee to conduct the Speaker elect to the chair.

The Speaker returned his thanks to the House in an appropriate address.

The House then proceeded to the election of a Chief Clerk.

Mr. Harris nominated Hugh A. Corley.

The vote was :

For CORLEY—Mr. Speaker, Messrs. Baisden, Bellamy, Bowers, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Penn, Pope, Porter, Prescott, Riviere, Shine, Speer, Taylor, Thomson of Levy, VanZant, Whitehurst and Zeigler—33.

BLANK—Mr. Neel—1.

Mr. Corley was declared duly elected Chief Clerk.

The House then proceeded to the election of Assistant Clerk.

Mr. Harris nominated Mr. William Scott of Jefferson County.

Mr. Shine nominated Mr. Alexander S. Johnson of Leon County.

The vote was :

For SCOTT—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Haddock, Harris, Haynes, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, and VanZant—21.

For JOHNSON—Messrs. Bowers, Dismukes, Fennell, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Whitehurst and Zeigler—13.

Mr. Scott was then duly declared elected Assistant Clerk.

The House then proceeded to the election of Enrolling and Engrossing Clerk.

Mr. Harris nominated Mr. Augustus L. Fisher of Leon County.

Mr. Neel nominated Mr. A. S. Johnson of Leon County.

The vote was :

For FISHER—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, and VanZant—20.

For JOHNSON—Messrs. Bowers, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Whitehurst, and Zeigler—14.

Mr. Fisher was declared duly elected Enrolling and Engrossing Clerk.

The House then proceeded to the election of Sergeant at Arms.

Mr. Harris nominated Mr. John C. Jones, of Columbia County.

Mr. Shine nominated Mr. William McCullom.

The vote was :

Mr JONES—Mr. Speaker, Messrs. Baisden, Bellamy, Carter,

Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, and Van Zant—20.

For McCULLOM—Messrs. Bowers, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Whitehurst and Zeigler—14.

Mr. Jones was declared duly elected Sergeant-at-Arms.

The House then proceeded to the election of Door-Keeper.

Mr. Harris nominated Mr. Archibald Campbell, of Madison County.

Mr. Shine nominated Mr. John A. Kelly, of Calhoun County.

The vote was :

For CAMPBELL—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Langford, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, and VanZant—21.

For KELLY—Messrs. Bowers, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Neel, Riviere, Shine, Speer, Whitehurst, and Zeigler—13.

Mr. Campbell was declared duly elected Door-Keeper.

On motion of Mr Galbraith, a Committee of three were appointed, consisting of Messrs. Galbraith, Dell, and Shine, to engage the services of a Chaplain for the present session.

On motion, the officers elect were sworn by C. H. Austin, a Justice of the Peace.

On motion, the Rules of the last session were adopted for the government of the House until other rules shall be adopted.

On motion of Mr. Carter, a Committee of three was appointed, consisting of Messrs. Carter, Shine and Speer, to inform the Senate that the House is now organized, and ready to proceed to business.

On motion of Mr. Dell, a Committee of three was appointed, consisting of Messrs. Dell, Prescott and Shine, to act with a similar Committee on the part of the Senate, to wait upon His Excellency the Governor, and inform him that the General Assembly is now organized, and ready to receive any communication he may be pleased to make.

On motion, the House adjourned until to-morrow, 11 o'clock, A. M.

WEDNESDAY, November 29, 1854.

The House met pursuant to adjournment.

A quorum being present, the journal of yesterday's proceedings was read.

Elijah Wall, member elect from Putnam County, John Parsons, member elect from Hernando County, and Benjamin W. Thompson,

member elect from Santa Rosa County, presented their certificates of election, and were severally sworn by C. H. Austin, Esq., Justice of the Peace.

Mr. Galbraith moved that the House now proceed to the election of a Printer.

Mr. Shine moved, as a substitute for said motion, that a Committee be appointed to receive proposals for the printing of this House.

Upon the adoption of the substitute, the yeas and nays were called and were as follows:

Yeas—Messrs. Bowers, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Thompson of Santa Rosa, Wall, Whitehurst and Zeigler—16.

Nays—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, and VanZant—21.

So the substitute was lost.

The original motion was then adopted, and the House proceeded to the election of a Printer.

Mr. Galbraith nominated Charles E. Dyke.

Mr. Shine nominated Benjamin F. Allen.

The vote was:

For DYKE—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Porter, Prescott, Taylor, Thomson of Levy, VanZant and Wall—22.

For ALLEN—Messrs. Bowers, Dismukes, Fennell, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Thompson of Santa Rosa, Whitehurst and Zeigler—14.

Mr. Dyke was declared duly elected Printer of the House.

On motion of Mr. Bellamy, a Committee of three was appointed, consisting of Messrs. Bellamy, Shine and Carter, to draft rules for the government of the House.

On motion of Mr. Carter, a Committee of three was appointed, consisting of Messrs. Carter, Speer and Galbraith, to contract with the Printer for the amount of compensation to be paid for printing at the present session.

On motion of Mr. Galbraith, the Sergeant at Arms was instructed to furnish stationery to the members.

Mr. Carter gave notice that he will on a future day, ask leave to introduce a bill for the relief of Jose Vigil.

Mr. Dell moved that the Printer be instructed to furnish 100 printed copies of the Rules of the last session, for the use of this House, which motion prevailed.

On motion of Mr. Pope, a Committee of three was appointed to act with a similar Committee on the part of the Senate, for the pur-

pose of drafting joint rules for the regulation of the two bodies, during the present session.

Messrs. Pope, Speer and Dell were appointed said Committee.

The Committee appointed to inform the Senate of the organization of the House, reported that they had performed that duty.

Mr. Parsons gave notice that he would, on a future day, ask leave to introduce a bill for the relief of W. W. Leggett; and also a bill for the relief of Henry Christie and Theophilus Higginbotham.

A Committee from the Senate informed the House of the organization of that body.

Mr. Penn gave notice that he would, on some future day, ask leave to introduce a bill to prevent the introduction of free negroes into the Port of Apalachicola.

The Committee appointed to wait upon His Excellency the Governor and inform him of the organization of the General Assembly, reported that they had performed that duty.

The following Message from His Excellency the Governor was received and read:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, }
TALLAHASSEE, November 24, 1854. }

*Fellow-Citizens of the Senate
and House of Representatives:*

It gives me pleasure to welcome you to the Seat of Government, and to congratulate you upon the favorable circumstances under which you have assembled.

During the year now nearly closed, our State appears to have been especially favored by Divine Providence. While some sections have been visited with drought, and others with storms and floods, we have enjoyed a propitious season. The earth has rewarded the diligent husbandman with a fair harvest, and with remunerating prices for our great staple, we may expect throughout our borders a state of prosperity which should be highly satisfactory. But this is not the only or even the more important evidence of such favor.

Disease and death have visited many sections of our

common country with unrelenting violence. Insatiable in their demands, they have spared neither age nor sex. Their victims have been claimed from every class and condition—the tenant of the hovel and the palace have alike become the tenants of the grave. The benevolent physician, as he has been ministering to the sick and dying, has been stricken and called to his reward! The man of God, while pointing out to dying penitents the road to Heaven, has himself been summoned to that blessed abode! Human sympathy has been awakened, and human benevolence has made willing sacrifices; but no sacrifices, however noble, no sympathy, however earnest, could do more than mitigate suffering. Death has done its work, and whole communities have been clothed with the habiliments of mourning. Against such visitations, our commonwealth has been mercifully protected. The general health of our people has rarely been better, and while the afflictions with which our sister communities have been visited, applies most forcibly to us the admonition, “be ye also ready,” our extraordinary exemption calls upon us for the most humble and devout gratitude to that beneficent Being who, while He rules in the armies of Heaven, deigns to minister to His creatures on earth.

The Constitution makes it the duty of the Executive to “give to the General Assembly information of the state of the Government, and recommend to their consideration such measures as he may deem expedient.” In discharge of this duty, I beg leave to invite your attention to the accompanying

OFFICIAL REPORTS.

The Report of the Treasurer shows that the revenue of the State for the year preceding the 1st November, has been considerably in excess of the disbursements, and that the finances are in a healthy and satisfactory condition.—The amounts borrowed from the different State funds, to pay the expenses of suppressing Indian hostilities, have not yet been refunded by the Federal Government, and

It may become necessary for the General Assembly at its present session, to make further provision for the payment of the first, and perhaps the second instalments of the script, authorized by the last General Assembly to be issued, under an Act entitled "An Act to provide for the payment of Captain Sparkman's, Parker's and other Volunteer Companies, for services in the year 1849." Accompanying this Report is the Treasurer's accounts with the Seminary, School, and Internal Improvement funds, which, with the accompanying accounts of Major Beard, the Comptroller, charged by law with the investment, will show the amount and present condition of these various funds, so far as they have been paid over into the Treasury.

The Report of the Register of Public Lands furnishes a most satisfactory exhibit of the transactions of his office during the past two years, with the balances remaining unpaid on account of sales for the various funds committed to his charge, and which have, therefore, never gone into the Treasurer's accounts. I would here remark, that such is the complication of duties under the law, governing these funds, that to procure information of their condition and extent, a careful examination of the Register's, Treasurer's and Comptroller's accounts is necessary. It is respectfully suggested that these accounts might be simplified without detriment to the public interest.

The accounts of the Register are accompanied by such suggestions, on the subjects of Seminaries and Common Schools, as his observation and experience have qualified him to offer; and to these your attention is respectfully invited. It is a matter of deep regret that more has not been effected, in the way of organizing Common Schools, but I apprehend that this is not attributable to the want of a proper interest in the subject, by those to whom the law has committed it, nor to the want of energy in the law itself, but to the insufficiency of the fund. The increase of this fund is a matter of great State interest, and should enlist the talents and efforts of every citizen. Until such

increase is effected, it can hardly be expected that the benefits of the system can become general.

The Report is accompanied by a Report from the Board of Education of the State Seminary at Ocala, in East Florida, suggesting measures for the improvement of the fund, and showing the condition of the institution, to which I invite your attention.

The Report required by law to be made to the General Assembly, by the Attorney General, accompanies this communication. You are respectfully referred to it for valuable suggestions on the subject of our Quarantine laws, Pilotage at Key West, and for a statement of the present condition of the suit pending in the Supreme Court of the United States, between this State and Georgia, to settle the question of boundary. On this subject I will, at some early day, make to the General Assembly a special communication.

The resignation of Major John Beard, as Comptroller of the Treasury, created a vacancy which was filled by the appointment of Theodore W. Brevard, to serve until the last day of the present session of the General Assembly. On the 2d of October last, I granted to the Comptroller a temporary leave of absence, and have since extended it, in consequence of his having accidentally received a serious injury, which has prevented his return up to this date. I have made no *ad interim* appointment, because I desired the benefit of his suggestions on the subject of revenue, &c. It is hoped that he will be able to return and resume his duties at an early day, when his report will be communicated to the General Assembly.

Your attention is respectfully called to the General Report of the State Engineer and Geologist, with the accompanying reports, marked A. B. and C. The Board of Internal Improvement will meet in Tallahassee on Monday the 4th prox., after which I may make to the General Assembly a communication on some of the points embraced in the General Report.

The report of the Quartermaster General shows the number and condition of the State arms, and the letter of Col. Craig of the Ordnance Department, and the account current between the State and the General Government, herewith communicated, shows the extent of our indebtedness for arms over-drawn. This State has made no report of her military strength since the year 1845, and as a necessary consequence, the apportionment of arms to us has been annually diminishing. We have no military organization worthy of the name, and cannot expect to have until the State is prepared to pay at least the expenses of some patriotic and public spirited citizen, who will devote his time and talents to the work. A report from the Adjutant General's office in 1845, secured us an annual apportionment of arms amounting, in the aggregate, to what is estimated as the equivalent of 836 muskets, and we have paid more than four thousand dollars to have them preserved. The arms now on hand will soon have cost the State more than their value, and as there is under our present organization no prospect of receiving additions for the next fifteen years, I respectfully suggest to the General Assembly that suitable provision be made for the efficient organization of the Militia of the State, or that the office of Quartermaster General be abolished, and the arms turned over, with the other State property, to the Treasury.

SALARIES.

The constitutional provision that the compensation of the Governor "shall not be increased, or diminished, during the term for which he shall have been elected," relieves me from any embarrassment in calling your attention to the subject of salaries. When most of the present salaries of the officers connected with the Executive Department were fixed, the expenses of living were less—the price of labor less—and the duties of the officers much less onerous than at present. Under the present scale, no man having a family to support can afford to accept an office in the Executive Department, unless he has a residence of his

own at the capital, with his own servants, and is so situated as to be able to add something to his salary income. The salary of the Treasurer of this State, who is required to find good and sufficient security for seventy-five thousand dollars, and is charged with the risk, not only of receiving and disbursing the revenues of the State, but with the preservation of the State's property, and the safe keeping, disbursement, &c., of the large and increasing amounts of money and bonds belonging to the Seminary, School and Internal Improvement Funds, is several hundred dollars per annum less than is paid by the merchants of this city for competent book keepers. The subject is one which calls for examination, and is respectfully submitted for your consideration.

INDIANS.

The General Assembly, at its last session, passed an act for the final removal of the Indians from the State, and for other purposes. That act required the Governor to raise one Brigade, to be composed of one Regiment of Mounted Volunteers, and one Regiment of Infantry, of not more than one thousand men each. It required him to commission the officers elected, including the Brigadier General elected by the joint vote of the General Assembly, and when organized, to tender the Brigade to the General Government for the removal of the Indians.

These duties were purely executory, and finding them wholly unexecuted at the date of my qualification, I commissioned Allen G. Johnson, who had been elected Brigadier General by the General Assembly, and placed him under orders to raise his Brigade, with a view to tendering it to the General Government as required by the act.

He reports to me that the Mounted Regiment is enrolled and ready for organization, but that he has not been able to raise a single company of Infantry, and doubts whether, under existing circumstances, that Regiment can be procured. This being the case, I have been unable to organize the Brigade as required by the act, and have conse-

quently made no tender of its services to the Federal Government. The further duties required of the Governor in executing the law, were made to depend upon the Government's refusing to accept the services of the Brigade, and upon several other contingencies, neither of which has occurred. I have, therefore, issued no bonds and incurred no obligations for the State; and whilst I have at all times been ready to act promptly in discharging the duties assigned me, I have not found it necessary to make further use of the powers which the act conferred upon the Executive.

The failure to raise the regiment of Infantry, renders a material modification of the law necessary, and it is possible that your deliberations may lead you to consider important changes desirable. I am advised by Capt. Casey, the agent of the Government, that the Indians are peaceably disposed, and he expresses the opinion that a rigid enforcement of the State law prohibiting all persons from trading with them, or in any manner furnishing them supplies, will lead at no distant day to their peaceable emigration. Having received information that the law had been violated, I instructed the District Attorney for the Southern District to enquire into the matter, and to use his best efforts to convict and punish the violators.

The duty of removing these Indians from our State, has been transferred by the present Administration from the Interior to the War Department, and is now in the hands of General Davis—a man who, as a statesman and a soldier, has always been equal to his duty. I have reason to believe that while he greatly desires to effect the object peaceably, he will use coercive measures if necessary, and that the Government is not entertaining the idea of adopting a policy which looks to a permanent settlement of these people within our borders. It will be for the General Assembly to determine whether the State will wait longer, or whether she will take the matter into her own hands. If we determine to wait, I would respectfully suggest that the

large discretion conferred on the Governor in the law of the last session be repealed, and that some simple provision for protection in case of emergency be substituted. If, on the other hand, it is determined to proceed at once to coercive measures, I would respectfully suggest that the provision made in the law of the last session will be found inadequate. The appropriation is too small for such a service, and the means provided for raising the money would probably be unreliable in the present state of financial arrangements. The question is submitted to you, as the people's representatives, with a confidence that it will receive that careful consideration and prudent action which its delicacy and importance demand.

INTERNAL IMPROVEMENTS.

The framers of the Constitution were deeply impressed with the importance of a liberal system of Internal Improvements, and provided that such a system should be encouraged by our State Government. The time has probably arrived when our duty to ourselves and our constituents requires us to fix upon and adopt a State system, and determine the extent to which we can, as a Government, aid in its construction. To determine these points, and act upon such determination, is to affect for weal or for woe the best interests of our commonwealth, and therefore involves grave and important responsibilities. So far as these may attach properly to the Executive Department, I am prepared to assume them, and feel no hesitation in declaring that in my judgment no State system will be worthy of the name which fails to connect Fernandina, or some other equally accessible point on our Atlantic Coast, with Tampa Bay in the South and Pensacola Bay in the West. These two, as great main trunks, would form the basis of a system which would be worthy of the "sea girt State." Less than these would be unworthy of our enviable geographical position. These trunks would throw off their branches, or feeders, to every point where a sufficient commerce would invite them, and thus, not only every sec-

tion of our State, but almost every County, would share in their benefits.

It has been doubted by some whether such Roads would pay. I have not shared in such doubts. Few if any Roads in the South, according to their length, pass through larger portions of rich agricultural country than these, and none probably through a greater extent of pine forests, adapted to the business of lumber and naval stores. It is uniformly conceded that Roads relieved from undue competition, pay well in good cotton growing districts, but it is not generally understood that one man employed in the turpentine business, will furnish more freight to a Railroad, than ten men engaged in the culture of cotton. And yet such is the case. It has been demonstrated by at least one of our Southern Companies, that where a Road passes in equal portions through a pine forest unfit for cultivation, but abounding in naval stores, and through a rich agricultural district, the forest furnishes freight ten times as great as the agriculture. In our case, the two sources of supply are happily combined—Cotton and Sugar, with tropical fruits, &c., for winter transportation, and naval stores and lumber for the summer. Thus provided, it can hardly be doubted that the local business offered to these Roads, would be at least equal to that done on any Roads in the Southern States.

But this is not all. It must be remembered that more than one half of all the produce exported from the United States passes through the Gulf of Mexico, and around the Peninsula of Florida. The articles received in exchange for this, are doomed to the same tedious, hazardous and expensive navigation; and when we recollect that the extra insurance on nearly all light goods, added to the loss of interest by detention, would more than pay the whole freight from New York to their place of destination, we may reasonably infer that the through freight would be an item of no small importance.

But these, however ample, would not be our only sources

of income. Our geographical position would of necessity make our roads great mail routes, and the most important thoroughfares of travel between the Atlantic and Pacific oceans. It is doubted whether their income from through travel, would be equaled by any two American roads of similar length, south of New York. To these advantages, local and geographical, may be added another worthy of consideration. The right of way, it is believed, could be procured on both lines, at a cost merely nominal; both roads would pass through country abounding in the very best timber for superstructure, and which, to a great extent, has been graded by nature, enabling us, it is believed, to build first class roads at much less expense than any of our neighbors. When we consider all these advantages, and contrast them with other enterprises already completed, which are paying good dividends, and whose stock is in demand at, and above par, it is difficult to resist the impression, that our General Assembly acted wisely in fixing a limit beyond which the annual profits of these companies should not be extended.

But suppose we are mistaken in the extent of business which would be thrown upon these roads, and consequently in the amount of profit to be derived from the investment, we should even then find ourselves abundantly rewarded, in having appropriated to purposes of profitable trade, at least three of the finest harbors in the South,—in having built up, within our own borders, three cities destined to become great marts of commerce—in having removed the inaccessibility, which has hung like an incubus around us—in having increased the happiness, augmented the wealth, and secured the prosperity of our people, and last, though not least, in having blotted sectionalism from the map of Florida, and made our people one in interest and feeling.

That all these, and other advantages would follow the completion of these great enterprises, I have no doubt, and that they are worthy of the highest efforts of our Govern-

ment and people, there can be no question. Let us, therefore, turn our attention to another, and controlling consideration connected with the subject.

Have we the ability? To what extent can the State engage in these enterprises consistently with the best interest of the people, and without a violation of the Constitution? These are questions which deserve, and will doubtless receive, your earnest and anxious consideration.

The 2nd Sec. of the 8th Article of the Constitution declares as follows: "No other or greater amount of tax or revenue, shall at any time be levied, than may be required for the necessary expenses of Government." The 13th Sec. of the 13th Article declares, that "The General Assembly shall not pledge the faith and credit of the State to raise funds in aid of any corporation whatsoever."

Whatever opinion may be entertained of the wisdom of these provisions, all will agree that they prohibit the government from resorting to taxation in aid of internal improvements, and deprive this State of that description of credit, upon which others have relied, to the greatest extent, for the success of such enterprises. We are not, however, prevented from using money, and other assets, which we may at any time have, that are applicable to this purpose, in such manner as we may consider most advantageous; and to this part of the subject I beg leave to call your particular attention.

The Report of the Register of Public Lands shows sales of Internal Improvement land to the amount of \$228,121.52, and furnishes estimates for the land unsold, which would make the fund 965,000 dollars. This, with the interest already due and that will accumulate before the fund will probably be used, would justify us in estimating it in round numbers at one million. In addition to this, the Federal Government granted to the State, in 1850, all the swamp and overflowed land remaining unsold within our borders on the 28th of September of that year. The selections under this grant have been pressed forward by the

State's agents with commendable energy, but are not yet completed, and many of those made have not yet received the final action of the Commissioner. Without knowing the extent of this fund, it may not be extravagant to estimate it at 8,000,000 acres, embracing, with much that is worthless, some of the most valuable land in the State.—The value of this fund has been variously estimated, but there can be little doubt that it can be relied on as a safe and sufficient security for two million dollars. This, added to the Internal Improvement fund, would give us a reliable security of three million, with which to commence operations. With such a fund, we are now called upon to decide whether we will begin the work of frittering it away in local enterprises, and as food for local and sectional prejudices, or whether we will adopt a great State system, and enter upon its construction with a zeal and energy that will abate only with success—a system which will give us a commerce second probably to no State in the South, which will build up our infant manufactures, increase and develop our agricultural resources, improve the value of our lands, fill up our forests with an industrious and happy population, and make us a great and prosperous commonwealth. To my mind, the path of duty is plain.

A road from Fernandina to Tampa Bay, and one from a convenient point for intersection in Columbia county, to Pensacola, would not vary much from an aggregate of five hundred and twenty miles. It has been suggested that to secure the construction of these roads, the State might well afford to make a donation of all the funds; and that with such security, the companies could readily obtain the money necessary for building. Again it has been suggested, that a loan of the funds to the companies, to be used as a security, they agreeing to release them at some future day, and restore them to the State, would serve the purpose desired. To my mind, the first plan proposed is unnecessary, and not likely to meet with general acceptance. It would, to some extent, be unequal in the distribution of

its benefits, because there would be no fund returned with which to aid in constructing the branch roads necessary to promote the interest of a large portion of the State, and which should be looked to as a part of the system. Nor is this the only objection to absorbing and sinking the fund. When it has served the purpose in aid of these various works, it should return to bless our people, by building a school house in every neighborhood, and securing a good English education to every child. To a loan there are grave objections; not the least of which is, that it would not be likely that the fund would return to the State. The course, in my judgment, promising the best results, and calculated most certainly to succeed, is for the State, with the consent of the companies, to subscribe for stock to the extent of ten thousand dollars per mile, to be paid in State Internal Improvement bonds, payable in ten years, bearing interest, and to be delivered as required for the progress of the work; the payment for the principal and interest of these bonds to be secured by the hypothecation to the companies of all the Internal Improvement and swamp land funds, together with the stock for which the bonds were given.

The subscriptions should be accompanied by a contract on the part of the State, to sell the stock to the companies or their assignees at par, whenever they desired it, for the bonds at par. Thus the companies would be secured by the bonds of the State, the stock for which they were given, the Internal Improvement fund, the swamp land fund, and the right to convert the bonds into a stock that would, in my judgment, be second to few in the Union. To these securities the companies could add their private subscriptions by hypothecating the stock of the road, which, for the purposes of this argument, I will estimate at the sum of two million, or four thousand dollars per mile. So far as securing a loan would be concerned, the companies could make the State's securities as fully available as if they owned the fund as a donation; and the fact that the State

had manifested her confidence in them, by large subscriptions to their stock, would greatly aid their negotiations. In this respect the companies would be benefitted, while the right to convert the bonds into stock at par would enable them to appropriate to themselves, if they should desire, the advantages of the whole enterprise, as fully as if the State had loaned the fund.

In speaking of the securities which such a subscription would enable these Companies to offer, it will be observed that I have said nothing of grants of land by the General Government, and these, in some shape, they will doubtless receive.

The course which I have suggested would, I think, secure the early construction of both roads, and the State may be easily protected from loss or embarrassment by throwing the necessary safe-guards around the subscription and the issue of bonds.

I have thus, Fellow-Citizens, expressed my opinions fully and frankly on this subject. They are submitted for your consideration. Should the course which I have suggested fail to command your approbation, then will I most cheerfully co-operate with you in any other which promises greater benefits, and is not inconsistent with the provisions of the Constitution. That your united wisdom will enable you to adopt some system of operations which will secure the advantages so much desired, and at the same time be safe and judicious, I have no doubt; and having adopted it, let us take as our motto, "Energy and Action."

CHARTERS.

The General Assembly, at its last session, granted several charters, incorporating Railroad Companies, and among them one styled the Pensacola and Georgia Railroad Company. That charter gives a floating Eastern terminus to be fixed by the directors of the company, at any point they may select on the line dividing this State from the State of Georgia. A road built under it from Pensacola to the junction of the Flint and Chattahoochee, there to connect

with a Georgia road to skirt our borders to the Atlantic, would prove a dangerous if not a successful rival of *one* of our great State lines ; and I would respectfully suggest that, with the consent of the company, the charter be so modified as to locate its Eastern terminus at Fernandina, or at such point on, or near the Florida Railroad, as the company may designate, and that there be authority conferred to construct a branch road, if they desire, to the line of the State of Georgia at some point east of the Alapaha river.

So far as Railroads are concerned, it is believed that we now have charters on our Statute Book which, with some unimportant amendments, will be found sufficient for the present wants of the State. The construction of these roads may be greatly embarrassed by the grant of charters for rival routes, and I respectfully suggest, that all such applications be carefully examined before being acted on.

I received from the Secretary of a Commercial Convention held in the city of Charleston in June last, a copy of certain resolutions on the subject of the Pacific Railroad, accompanied by a communication from a committee charged by the Convention with certain duties, and enclosing copies of bills, &c., on which the action of the General Assembly of this State is requested. They are herewith communicated and your attention respectfully invited to the consideration of the application.

TAXATION.

The Constitution requires the General Assembly to adopt "an equal and uniform mode of taxation." This requirement should be obeyed, or the section amended. Justice would seem to require the State to distribute the burthens of Government as she does its benefits—that those who receive the same measure of protection should contribute the same amount to the revenue. This is indeed the policy indicated by the Constitution, but I respectfully suggest that the present revenue laws of the State fail to put it into practice. The law imposes a capitation and property tax upon Lawyers, Doctors, Weighers, Inspectors and

Pilots, just as it does upon Planters, manufacturers, Merchants and Teachers; and yet, in the case of the former, a tax is required on their income, which is not required on the income of the latter. The Government confers no more protection upon the profession of law or medicine, than if does upon those of agriculture or manufactures, and it is difficult to vindicate the justice of a law which imposes upon them an unequal portion of the burthens of Government. Nor are these the only classes against whom the inequality operates. A planter in the country purchases two thousand acres of second rate land, for twenty thousand dollars—he constructs a princely mansion and makes other improvements worth twenty thousand more—he stocks his plantation with horses, mules, implements of husbandry, &c., at a cost of five thousand, and furnishes his house at a cost of another five thousand, making an estate of fifty thousand dollars on which he receives the protection of the Government, and for this he pays $8\frac{1}{2}$ mills per acre on his land, or the sum of sixteen dollars and fifty cents. A mechanic or manufacturer, whose occupation requires him to reside in a town or city, invests fifty thousand dollars in houses and lots for his residence, workshops, &c. On this investment he receives the protection of the Government, and because it happens to be within the corporate limits of, even a villa, he pays twenty-two cents on every hundred dollars value thereof, or the handsome little sum of one hundred and ten dollars. Here are two citizens enjoying the same measure of protection, and under a constitution which requires a “uniform mode of taxation,” and yet one pays towards the support of the Government more than six times the amount paid by the other. Again the citizen who has his estate invested at interest, or in property which pays a valuation assessment, contributes twenty-two cents on each hundred dollars; whereas at the present value of slave property, it pays but little, if any, over half as much. A man who owns a saw mill worth four thousand dollars, pays a tax of eight dollars and eighty cents;

whereas his neighbor, who owns one thousand head of cattle worth the same amount, pays only two dollars and fifty cents. Can this be "an equal and uniform mode of taxation?" If it is not, then I apprehend that it does not meet the requirements of the Constitution. The question is one of importance, because it affects the relative burthens imposed, and benefits conferred, upon every citizen by the Government of his State. It is submitted for the consideration of the General Assembly, and I respectfully recommend that such modifications be made as will conform the law as nearly as possible to the requirements of the Constitution.

CRIMINAL PROSECUTIONS.

The expenses of prosecuting criminals in this State, have greatly increased within the last few years. For the fiscal year 1850, they amounted to the sum of \$7,457.24; for the fiscal year 1853 to \$13,172.91, and for the last fiscal year to \$13,086.66, being an increase of nearly eighty per cent. in four years. From such an increase of expense we would naturally infer an increase of business, and consequent augmentation of the receipts from that source; but such is not the case. The fines collected in 1850 amounted to \$1,924.10, whereas the fines collected in 1854 were only \$1,626.60, showing that while the expenses increased 80 per cent., the collections decreased over 15 per cent. The payment into the Treasury from this source, amounts to less than one fortieth part of the State's revenue, while the amount paid out is more than one fifth of the entire expenses of the State Government. This subject merits a careful investigation, and is submitted for your consideration with the hope that the source of the evil will be found, and the proper remedy applied.

RETAILER'S LICENSE.

That there is a diversity of opinion among the people of this State on the subject of license generally, there can be no doubt, and that the question has to some extent, and will probably to a still greater extent, be carried to the bal-

lot box in our political elections, we have reason to fear. Like every question affecting the people, it should be referred to them for settlement, and this I think may readily be done. The revenue laws of this State restrict the Boards of County Commissioners, in the exercise of the taxing power, to levying a tax not greater than one half of the tax levied by the State, and this restriction has been held to apply also to the question of license. All that is necessary to enable each County in the State to decide the question for itself, is to remove the restriction on the taxing power. The issue would then be changed from our political to our County elections, and would be contested in the selection of the Boards of County Commissioners. These elections, it will be remembered, come off when there is no political contest in the State, and would be relieved from all party bias. If the sale of intoxicating liquors is a great evil, the people should have the right to relieve themselves from its influence, and whether it is or is not such an evil, those affected by it should have the right to judge.

The General Assembly, at its last session, passed an act providing that "retailers of spirituous liquors shall pay annually the sum of two hundred dollars" for a license. This law, I am of opinion, has been highly beneficial, but it is urged, and with good reason, that it is unequal in its operation. It attempts to lessen the number of retailers, but leaves untouched the dealer from one quart upwards. Should the General Assembly decline to refer the question to the respective County Governments, as I have suggested, then I respectfully recommend such an amendment of the law as will embrace those who sell intoxicating liquors, without reference to the quantity.

CESSION OF WEST FLORIDA.

I have received from his Excellency, the Governor of Alabama, a copy of a joint resolution of the General Assembly of that State, approved February 15, 1854, proposing that the State of Florida shall cede to the State of Alabama all that portion of her Territory lying west of the Chatta-

hoochee and Apalachicola Rivers, with a request that the said resolution be laid before the General Assembly of this State. I herewith enclose it, and beg leave to remark that a compliance with the wishes of our sister State would transfer the city of Apalachicola, the largest commercial city in Florida—would transfer the Bays of St. Josephs, St. Andrews and Pensacola—would cut off from our jurisdiction one of the most interesting and valuable sea coasts in the United States, and would give to Alabama instead of Florida, at some future day, the great city of the South. Such an act of liberality, I humbly conceive, is more than should be expected, and it is not likely to receive a favorable consideration at the hands of the people's representatives.

STATE LIBRARY.

The Library has received large and valuable additions during the past year. The duties of Librarian have been discharged by the Secretary of State, and his office has been used as a Library Room. I respectfully suggest that a larger room should be provided, and a librarian appointed, with a moderate salary. The books are of great value, and the duties of the office are too onerous to be made an appendage, without compensation, to any office in the Executive Department.

CENSUS AND APPORTIONMENT.

The duty of providing for an enumeration of the inhabitants of this State, and for apportioning the representation, will devolve upon the present General Assembly.

The Constitution appears to contemplate the apportionment after the enumeration, and whether it will be competent for the General Assembly to establish the basis and delegate to others the arrangement of details, &c., is a question worthy of consideration.

In connection with this enumeration, I would respectfully suggest that a general table of statistics be arranged, embracing most of the subjects in the United States Cen-

sus of 1850, and adding the statistics of wealth, including everything of value.

AMENDMENTS OF THE CONSTITUTION.

The 3rd Sec. of the 6th Article of the Constitution provides that "No President, Director, Cashier or other officer of any Banking Company in this State, shall be eligible to the office of Governor, Senator or Representative to the General Assembly of this State, so long as he shall be such President, Director, Cashier or other officer, nor until the lapse of twelve months from the time at which he shall have ceased to be such President, Director, Cashier, or other officer."

The 8th Sec. of the 6th Article provides that "No Governor, Justice of the Supreme Court, Chancellor, or Judge of this State, shall be eligible to election or appointment, to any other and different station, or office, or post of honor, or emolument, under this State, or to the station of Senator or Representative in Congress of the United States, until one year after he shall have ceased to be such Governor, Justice, Chancellor, or Judge."

The 10th Sec. of the 6th Article provides that "No Minister of the Gospel shall be eligible to the office of Governor, Senator, or member of the House of Representatives of this State."

If there were reasons existing at the time when our Constitution was adopted which justified the partial disfranchisement of any citizen, except for crimes which rendered him unworthy of public confidence, it is believed that they no longer exist, and the policy of excluding from offices of trust any class of citizens, in consequence of their occupation or profession, is exceedingly questionable. I beg leave to call your attention to these sections, and respectfully suggest the propriety of taking the necessary steps to modify or repeal them.

The amendment of our Constitution which changed the Sessions of the General Assembly from annual to biennial, was adopted mainly as a measure of economy. An exam-

ination of the average expenses of the Government before and since the change, will show that the results anticipated have been but very partially realized. It is, indeed, doubted whether the true interest of the State does not call for a return to annual sessions. The subject is worthy of the careful consideration of the people's representatives.

FEDERAL RELATIONS.

The present political aspect of the non-slaveholding States of the Union, furnishes cause for serious reflection and apprehension on the part of the South. In 1850, we submitted to a Compromise, as it was termed, which a second time branded us with inequality in the Union. It deprived us of our just right to participate in the settlement of California;—it dismembered a slave State, under a threat of coercion by Federal arms;—it singled out from the great mass of property the controlling property of the South, and denied us the privilege of converting it into money in the District of Columbia: and for these surrenders, what did we receive? We were told that we were compensated by a clear and decided acknowledgment of our constitutional rights on two points. One was the right to reclaim our fugitive slaves, and the other was the recognition and adoption, by the Federal Government, of the great principle of Non-Intervention on the subject of slavery, in the organization of the Territories of the Union. We were told that the Wilmot proviso had been strangled, and that in future the North and the South, like a band of brothers, were to settle the common Territories, and that they were to be admitted as States when they organized their Governments, with or without slavery, as the inhabitants might determine. With these recognitions, although but the acknowledgment of rights already possessed, the South rested. The fugitive slave law, although fair in theory, and honestly and promptly executed by the Government, has proved in practice worse than useless. Such have been the obstructions thrown in the way of its execution, that in some instances the cost of recovering a single slave have been more than

twenty times his value, while in others the blood, and even the life, of the Southern citizen, has atoned for his temerity in availing himself of the provisions of the law.

The organization of the territories of Nebraska and Kansas, furnished an opportunity for testing the sincerity of the country on the subject of Non-Intervention. The introduction of the bills arrayed against the Constitution and the South, the armies of Abolition fanaticism. The men of the South, standing upon the Constitution, cheered on by a noble and distinguished band of Northern Senators and Representatives, and sustained by the power and influence of a patriotic Administration, achieved a victory. The struggle was violent and protracted, but the Constitution triumphed. The Territories were organized. The Missouri restriction which, for more than thirty years, had been branding the South with inequality, was repealed. The question of slavery was referred to the Constitution, Congressional non-intervention established, and the patriot permitted to hope that the Constitution of the country, and equal rights under it, would become the watch-word in every section. Such hopes, however, were doomed to an early disappointment. The passage of these bills only transferred the battle to another field, and was made the signal for new and fanatical organizations in the non-slaveholding States. They inscribed on their banners, "A RESTORATION OF THE MISSOURI RESTRICTION—THE REPEAL OF THE FUGITIVE SLAVE LAW, AND THE ADMISSION OF NO MORE SLAVE STATES INTO THE UNION." On such a platform they have met, and most signally defeated the men of the Constitution. They have, with possibly a single exception, controlling majorities in every non-slaveholding State, and have, for the first time under our Government, elected a House of Representatives purely and wickedly sectional in its character. In view of all this, the South is calm and unmoved. She is prepared to abide by the Union, made by the Constitution, with equal rights under it. Beyond

this, she will be forced to act upon the sentiment, "A union of the South for the protection of the South."

Pledging my co-operation in all constitutional measures calculated to promote the honor and interest of the State, and anxiously desiring the blessing of God upon your deliberations, I am,

Your fellow citizen,

JAMES E. BROOME.

On motion, of Mr. Dell. 1000 copies of the Message, and 300 copies of the accompanying Documents, were ordered to be printed for the use of the House.

On motion, the House adjourned until to-morrow, 12 o'clock, M.

THURSDAY, November 30, 1854.

The House met pursuant to adjournment. The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present the journal of yesterday's proceedings was read, amended and approved.

Lyman W. Rowley, member elect from Escambia County, presented his certificate of election and was sworn by C. H. Austin, Esq., Justice of the Peace.

The Speaker announced the following Standing Committees:

Committee on Judiciary.

Messrs. POPE,
GALBRAITH,
SHINE,
PARSONS,
SPEER,
PORTER.

Committee on Claims.

Messrs. DELL,
RIVIERE,
CHAIRES,
PRESCOTT,
ROWLEY,
SPEER.

Committee on Finance and Public Accounts.

Messrs. PARSONS,
ZEIGLER,
RAISDEN,
WHITEHURST,
CARTER,
DEWITT.

Committee on Internal Improvements.

Messrs. CARTER,
SHINE,
LENN,
POPE,
PARSONS,
HARRIS.

Committee on Agriculture.

Messrs. BELLAMY,
HAYNES,
VANZANT,
JOHNSTON,
LANGFORD.

Committee on Militia.

Messrs. SHINE,
DISMUKES,
DELL,
WALL,
COOMBS.

Committee on Engrossed and Enrolled Bills.

Messrs. BAISDEN,
BELLAMY,
NEEL,
DEWITT,
HAYNES.

Committee on Propositions and Grievances.

Messrs. PENN,
JONES of Monroe,
DUMMETT,
BOWERS,
CHRISTIE.

Committee on Elections.

Messrs. PORTER,
CHRISTIE,
HADDOCK,
DUMMETT,
JONES of Nassau.

Committee on Federal Relations.

Messrs. HARRIS,
POPE,
CARTER,
SPEER,
BROWN.

Committee on Corporations.

Messrs. TAYLOR,
HOLLAMAN,
THOMPSON of Santa Rosa,
PRESCOTT,
COOMBS.

Committee on Indian Affairs.

Messrs. SPEER,
THOMSON of Levy,
CHAIRES,
JONES of Monroe,
BELLAMY.

Committee on Schools & Colleges.

Messrs. GALBRAITH,
HARRIS,
BROWN,

SHINE,
SPEER,
THOMSON of Levy.

Mr. Thomson of Levy moved that a Committee of five on "State Lands" be added to the list of Standing Committees of the House; Which motion prevailed.

The Speaker announced the following Committee on State Lands:

Messrs. Thomson, of Levy Harris, Parsons, Dismukes and Riviere.

Mr. Pope moved that the House now proceed to the election of an assistant Enrolling and Engrossing Clerk;

Which motion prevailed.

Mr. Pope nominated Mr. Moses S. Atkins of Gadsden County.

Mr. Shine nominated Mr. Joseph W. Wood of Leon County.

The vote was:

For ATKINS—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Christie, Coombs, Dell, Dewitt, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman; Johnston, Parsons, Penn, Pope, Porter, Prescott, Rowley, Thomson of Levy, VanZant, Wall and Zeigler—25.

For WOOD—Messrs. Bowers, Fennell, Haddock, Jones of Nassau,

Langford, Neel, Riviere, Shine, Speer, Thompson of Santa Rosa and Whitehurst—11.

The Speaker declared Mr. Atkins duly elected assistant Enrolling and Engrossing Clerk.

Mr. Carter moved

That so much of the Governor's Message as relates to Indians be referred to the Committee on Indian Affairs;

That on Internal Improvements to the Committee on Internal Improvements;

That on Charters to the Committee on Corporations;

That on Taxation to the Committee on Finance, (or Revenue);

That on Criminal Prosecutions to the Committee on the Judiciary;

That on Retailer's License to the Committee on Finance;

That on the Cession of West Florida to the Committee on the Judiciary;

That on Amendments of the Constitution to the Committee on the Judiciary;

That on Salaries to the Committee on Propositions and Grievances;

That on Federal Relations to the Committee on Federal Relations;

Which motion prevailed.

Mr. Galbraith gave notice that he would on some future day ask leave to introduce a bill to be entitled "An act to provide for the relinquishment to the United States in certain cases, title to and jurisdiction over lands for sites of Light Houses, and for other purposes on the coast and waters of this State;"

Also, a bill to be entitled "An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848."

Mr. Prescott gave notice that he would on some future day ask leave to introduce a bill to modify the license on retailers of spirituous liquors in the State of Florida.

Mr. Bowers gave notice that he would on some future day ask leave to introduce a bill to increase the pay of Jurors and State Witnesses of the State of Florida.

Mr. Carter gave notice that he would on some future day ask leave to introduce a bill extending political equality to Ignatio Phalez, Rufino Phalez, Marcia Montes De Oca and others.

Mr. Langford gave notice that he would on some future day ask leave to introduce a bill to reduce the price of the State Lands in Florida.

Mr. Speer gave notice that he would on some future day ask leave to introduce a bill to form a new county from a part of Orange.

Mr. Pope gave notice that he would on some future day ask leave to introduce a bill for the relief of George Bell.

Mr. Penn moved that the Sergeant-at-Arms be requested to furnish each member of this body with a copy of the Constitution of this State ;

Which motion was carried.

Mr. Whitehurst moved that the Clerk of this House be requested to call on the Secretary of State for a copy of the Acts and Resolutions of the General Assembly of the State for 1852-3, and also a Journal of the proceedings of the House of Representatives of same date for each member of this House, for their use and convenience during the present session, and one copy of Thompson's Digest for the Chairman of each Standing Committee ;

Which motion was carried.

A message was received from the Senate announcing the appointment of Messrs. Long, Bird and Eppes, as a Committee on the part of the Senate, to act with a similar Committee on the part of the House, for the purpose of drafting joint rules for the regulation of the two Houses of the General Assembly during the present session.

The following message was received from the Senate :

SENATE CHAMBER, November 30th, 1854.

To the Speaker of the House of Representatives :

SIR :—The enclosed Joint Rules were adopted by the Senate and referred to the House of Representatives.

Yours Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

On motion, the accompanying Report was received and the Joint Rules adopted.

On motion, the House reconsidered the vote receiving said Report and adopting the Rules, and the same were referred back to the Joint Committee.

On motion, the rules were waived to permit Mr. Carter to make a motion.

Mr. Carter moved that a Committee of five on the State of the Capital, and a Committee of five on Census and Apportionment of Representation, be added to the list of Standing Committees of the House ;

Which motion was carried.

Mr. Galbraith, from the Committee appointed to select a Chaplain for the House during the present session, reported that they had discharged that duty and selected the Rev. Mr. R. Mc. Tydings as said Chaplain ;

Which report was received and concurred in.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

STANDING RULES OF THE HOUSE.

RULE. 1. The Speaker shall take the Chair every day, precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put the question, but may state it sitting.

4. No member shall speak to any other, or otherwise interrupt the business of the House, or read any newspaper, or other paper, while the Journals or other public papers are being read, nor pass between the Speaker and any other member who may be addressing the House.

5. Every member, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down; nor shall any member speak more than twice on any one subject without leave of the House.

6. When two or more members shall rise at the same time, the Speaker shall name the person entitled to proceed.

7. When a member shall be called to order, he shall sit down until the Speaker shall have determined whether he is in order or not; and every question of order shall be decided by the Speaker, without debate, subject to an appeal to the House.

8. If a member shall be called to order for words spoken, the exceptionable words shall be immediately taken down in writing by the person objecting, that the Speaker may be better able to judge of the matter.

9. No member shall absent himself from the service of the House without leave of the House; and in case a less number than a quorum shall convene, they are hereby authorized to send the Sergeant-at-Arms for (any or) all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be

made as the House (when a quorum is convened) shall judge sufficient.

10. No motion shall be debated until the same shall be reduced to writing, delivered in at the table, read and seconded.

11. When a question is under debate, no motion shall be received but to adjourn, to lay it on the table, to postpone indefinitely, to postpone to a certain day, to commit or to amend; which several motions shall have precedence in the order in which they stand arranged; and the motion for adjournment shall always be in order, and the motions to adjourn or lay on the table shall be decided without debate.

12. If the question in debate contains several points, any member may have the same divided.

13. In filling up blanks, the largest sum and longest time shall be first put in.

14. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by vote of the House, without debate.

15. When the yeas and nays shall be called for by two of the members present, every member within the bar of the House at the time the question was put by the Speaker, shall (unless for special reasons he be excused by the House) declare openly and without debate his assent or dissent to the question. In taking the yeas and nays, and upon the call of the House, the names of the members shall be taken alphabetically, and the Speaker shall in all cases vote first.

16. No member shall be permitted to vote on any question who was without the bar of the House at the time the question was put, unless by the consent of the House, and no motion to permit such member to vote, shall be in order, unless it shall be made before the House shall proceed to other business.

17. On a motion made and seconded to shut the door of the House in the discussion of any business, in which discussion the public safety may, in the opinion of the House, imperiously require secrecy, the House shall direct the Speaker to cause the lobby to be cleared, and during the discussion of such business, the door shall remain shut, and no person shall be admitted except by special order of the House.

18. The following order shall be observed in taking up the business of the House, viz: 1st, motions; 2d, petitions,

memorials, and other papers addressed either to the House or to the Speaker thereof; 3d, resolutions; 4th, reports of Standing Committees; 5th, reports of Select Committees; 6th, messages from the Senate lying on the table; and lastly, orders of the day.

19. When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a re-consideration thereof; but no motion for the re-consideration of any vote shall be in order after a bill, resolution, message, report, amendment, or motion upon which the vote was taken, shall have gone out of the possession of the house, announcing their decision; nor shall any motion for re-consideration be in order unless made on the same day on which the vote was taken, or within the two next days of the actual session of the House thereafter.

20. All questions shall be put by the Speaker of the House, and the members shall signify their assent or dissent, by answering *viva voce* yea or nay, and in the event of a tie, the question shall be decided in the negative.

21. The Speaker of the House, or the Speaker *pro tem.*, shall have the right to name a member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

22. Before any petition, memorial, or other paper, addressed either to the House or the Speaker thereof, shall be received and read at the table, whether the same be introduced by the Speaker or a member, a brief statement of the contents of the petition, memorial, or other paper, shall be made by the introducer.

23. One day's notice at least shall be given of an intended motion for leave to bring in a bill, and no bill shall be written or printed except by express order of the House.

24. Every bill and all resolutions of a public nature, or for the appropriation of the public money, shall receive three readings previously to the final passage of such bill or resolutions, and the Speaker shall give notice at each whether it be the first, second, or third reading; which readings shall be on three different days, unless four-fifths of the members shall otherwise direct.

25. At the second reading of any bill or resolution, it shall be in order for any member to move its commitment to a Committee of the whole House; that it lay on the table; for its indefinite postponement; for its postponement

to a day certain, not beyond the session ; for its commitment to a Standing Committee ; to a Select Committee ; or to amend ; which motions shall have precedence in the order above stated.

26. It shall not be in order to amend the title of any bill or resolution until it shall have passed its thire reading.

27. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted on the journals.

28. The following Standing Committees, to consist of not less than five members each, shall be appointed by the Speaker at the commencement of each session, with leave to report, by bill or otherwise, viz : A Committee on the Judiciary ; a Committee on the Militia ; a Committee on Finance and Public Accounts ; a Committee on Claims ; a Committee on Schools and Colleges ; a Committee on Internal Improvements ; a Committee on Enrolled Bills and Engrossed Bills ; a Committee on Elections ; a Committee on Propositions and Grievances ; a Committee on Federal Relations ; a Committee on Corporations ; a Committee on Indian Affairs, and a Committee on Agriculture.

29. All confidential communications made by the Governor to the House, and all business in the consideration of which the injunction of secrecy shall have been imposed, shall be by the members thereof kept secret, until the House by its resolution shall take off the injunction of secrecy.

30. Each member of Select Committees shall, with their Chairman, sign every report made to the House, if they concur therein.

31. Messages may be received at any stage of the business, except while a question is being put, or while the yeas and nays are being called.

32. The Governor and Secretary and members of the Senate, shall be admitted to a seat within the bar of the House, and any other person shall be admitted in like manner, upon being invited by a member.

33. The Clerk, Sergeant-at-Arms and Door-Keeper shall be severally sworn by a judicial officer of the State, well and faithfully to discharge their respective duties, and to keep secret the proceedings of the House, when sitting with closed doors.

34. All acts, addresses and joint resolutions shall be signed by the Speaker ; and all writs, warrants and sub-

poenas issued by order of the House, shall be under his hand and seal, and attested by the Clerk.

35. In case of any disturbance or disorderly conduct in the lobby, the Speaker, or Chairman of the Committee of the Whole House, shall have power to order the same to be cleared.

36. Reporters wishing to take down the debates and proceedings, may be admitted by the Speaker, who shall assign such places to them on the floor, or elsewhere, as shall not interfere with the convenience of the House.

37. No member shall vote on any question in the event of which he may have a private or personal interest.

38. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed in possession of the House, but may be withdrawn at any time before a decision or amendment.

39. The previous question shall be in this form : " Shall the main question be now put ? " and shall be decided by a majority of the members present, without debate ; and until it is decided, it shall preclude all amendments, and further debate of the main question.

40. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

41. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment.

42. The unfinished business in which the House was engaged at the adjournment, shall have the preference in the orders of the day ; and no motion on any other business shall be received without special leave of the House, until the former is disposed of.

43. Upon the call of the House, the names of the members shall be called over by the Clerk and the absentees noted ; after which, the names of the absentees shall again be called over, the doors shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found by the Sergeant-at-Arms.

44. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees.

45. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or

other credentials, of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

46. No committee shall sit during the sitting of the House, without special leave:

47. All bills ordered to be engrossed, shall be executed in a fair, round hand, and without erasures or interlineations.

48. No amendment, by way of *rider*, shall be received to any bill on its third reading:

49. When a bill or resolution shall have passed its third reading; it shall be carefully engrossed under the direction of the Clerk; be certified by him, noting the day of its passage at the foot thereof; and shall be transmitted to the Senate; accompanied with a message, stating the title of the bill or resolution, and asking the concurrence of that body, and its transmission shall be entered upon the journals:

50. Bills committed to a committee of the whole House shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the said bill shall not be interlined and defaced, but all amendments, noting the page and line, shall be duly entered by the clerk on a separate paper, as the same shall be agreed to by the committee; and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses.

51. It shall be in order for the Committee on Enrolled and Engrossed Bills to report at any time.

52. Messages shall be transmitted to the Governor and Senate by the Door-keeper, unless otherwise directed by the House.

53. No bill shall be introduced into the House on the last week of the session, nor shall the above rules, or any of them, be rescinded or suspended, unless three-fourths of the members present so direct:

FRIDAY, December 1, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the journal of yesterday's proceedings was read and approved.

On motion, Moses S. Atkins was duly sworn as assistant Enrolling and Engrossing Clerk.

Notice was given of the intention to introduce the following bills, at some future day, viz:

By Mr. Haddock:

A Bill to be entitled, An Act for the relief of John Hendry of Hamilton County by divorce;

Also, a Bill to be entitled, An act to authorize Jackson Lee, a minor, of Hamilton County, to manage and control his own property as though he were of age.

By Mr. Galbraith:

A Bill to be entitled, An act to provide for the appointment of Inspectors of Tar and Turpentine in this State.

By Mr. Rowley:

A Bill for the regulation of Pilots and Pilotage of the Harbor of Pensacola.

By Mr. Haynes:

A Bill to prevent the escape of Slaves on board of vessels leaving the Port of Jacksonville.

By Mr. Carter:

A Bill to be entitled, An act to authorize John W. Roberts to practice Medicine in the County of Hillsborough.

By Mr. Baisden:

A Bill authorizing A. J. Smiley, a minor, to assume the management of his own estate.

By Mr. Hollaman:

A Bill for the relief of John Williams of Gadsden County.

By Mr. Parsons:

A Bill to authorize Alexander Munda to establish a Toll Bridge on the Withlacoochee River;

Also, a Bill to authorize Henry Benner to establish a Ferry across the Withlacoochee River;

Also, a Bill to authorize Neill Monroe to establish a Ferry across the Withlacoochee River.

Pursuant to previous notice, Mr. Carter introduced a Bill to be entitled, An act for the relief of Jose Vigil;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Propositions and Grievances.

Pursuant to previous notice, Mr. Parsons introduced a Bill to be entitled An act for the relief of Watson W. Leggett;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Propositions and Grievances.

Pursuant to previous notice, Mr. Parsons introduced a Bill to be entitled An act for the relief of Henry Christy and Theophilus Higginbotham;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on State Lands.

Mr. Carter presented a petition from Jose Vigil, a petition from 146 citizens of Hillsborough County, and a certificate of 10 citizens of Hillsborough County, asking the remission of a fine assessed against said Jose Vigil in the Circuit Court of Hillsborough.

Which was read and referred to the Committee on Propositions and Grievances:

Mr. Parsons presented the petition of 94 citizens of Hernando County asking the release of Watson W. Leggett, from a judgment decreed against him in favor of the State of Florida in Hernando Circuit Court:

Which was read and referred to the Committee on Propositions and Grievances.

The Speaker laid before the House certain testimony taken in relation to the election for Representatives in Duval County, which was read and laid on the table.

The Committee on Joint Rules asked further time to report, which was granted.

The following report was received and concurred in:

The Committee appointed to fix the rate of compensation to be paid for the Printing of the General Assembly during its present session, ask leave to

REPORT:

That they have contracted with Messrs. Dyke & Williams for the printing of the House on the following terms, viz:

For furnishing 500 copies of the Journals at \$2 00 per page, counting one copy; for daily slips of proceedings, and all other miscellaneous printing, such as Reports of the House, Bills, Slips, &c., $\frac{1}{2}$ of a cent per 100 words, counting 75 copies.

Which is respectfully submitted.

J. CARTER, *Chairman*.

A. S. SPEER,

J. B. GALBRAITH.

On motion Messrs. Johnson and Dewitt were granted leave of absence for to-morrow.

On motion the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY December 2, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the journal of yesterday was read and approved.

A message was received from the Senate transmitting Senate bill to be entitled An act to empower John Richard Bradford, a minor, to assume the management of his own estate, as having passed that body;

Which was read and the bill placed among the Orders of the Day.

Mr. Pope announced to the House the death of Gen. John S. Broome of Madison County, and moved that a Committee of three be appointed to act with a similar Committee on the part of the Senate, for the purpose of drafting resolutions of condolence with His Excellency, the Governor of this State, on the occasion of the death of his brother, John S. Broome, late Adjutant General of the State of Florida.

Which motion prevailed, and Messrs. Pope, Langford and Galbraith were appointed said Committee.

On motion of Mr. Pope, the House then adjourned until Monday, 12 o'clock, M.

MONDAY, December 4, 1854.

The House met pursuant to adjournment.

On motion, Mr. Shine took the Chair.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of Saturday was read and approved.

S. F. Jones, member elect from Monroe, presented his certificate of election, and was duly sworn by D. Cameron, Esq., Justice of the Peace.

Mr. Galbraith moved that the House proceed to the election of a Speaker *pro tem*. which motion was carried.

Mr. Galbraith nominated Mr. Carter of Hillsborough County.

The vote was:

For CARTER—Messrs. Baisden, Bowers, Christie, Dell, Dewett, Fennell, Galbraith, Harris, Haynes, Jones of Monroe, Langford, Neel, Parsons, Penn, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa, Thompson of Levy, VanZant, Wall and Whitehurst—25.

Mr. Carter was declared duly elected Speaker *pro tem*.

On motion of Mr. Galbraith a committee of three was appointed,

consisting of Messrs. Galbraith, Christie and Speer, to conduct the Speaker *pro tem.* to the Chair.

The Speaker *pro tem.* returned his thanks to the House in a brief address.

Notice was given of intention to introduce the following bills at some future day :

By Mr. Galbraith :

A Bill to be entitled, An act to incorporate Leon Lodge, No. 5.

I. O. O. F.

By Mr. Baisden :

A bill to be entitled an act amendatory of an act entitled an act to amend the first clause of the Sixth Article of the Constitution of this State.

By Mr. Thompson, of Levy :

A bill to be entitled an act to amend the Patrol Laws of this State.

By Mr. Harris :

A bill to be entitled an act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved Dec. 30, 1852.

By Mr. Haddock :

A bill to be entitled an act to legitimize Lucinda Read, of Hamilton County, and for other purposes.

By Mr. Dell :

A bill to amend the Fifth Section of Article Sixth of the Constitution of the State of Florida, relative to duelling.

Also, a bill to be entitled an act to repeal so much of the act passed November 7, 1828, as makes it necessary for the relinquishment of Dowers.

By Mr. Rowley :

A bill for the preservation of game in Santa Rosa and Escambia Counties.

By Mr. Bowers :

A bill authorizing James M. Cockroff to establish a toll bridge across East River in Walton County and for other purposes.

By Mr. Carter :

A bill to be entitled an act for the relief of Doctor A. S. Speer and Arthur Ginn.

Pursuant to previous notice, Mr. Parsons introduced the following bills :

A bill to be entitled An act to authorize Neill Monroe to establish a ferry across the Withlacoochee River ;

A bill to be entitled An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River ;

And a bill to be entitled an act to authorize Allen Mondin to establish a toll bridge across the Withlacoochee River.

Which were read the first time, the rule waived, read the second time by their titles, and referred to the Committee on Corporations.

Pursuant to previous notice, Mr. Baisden introduced a bill to be entitled An act' to authorize Andrew J. Smiley, a minor, to assume the management of his own estate;

Which was read the first time, and ordered for a second reading on to-morrow.

Pursuant to previous notice, Mr. Penn introduced a bill to be entitled An act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color in to this State;

Which was read the first time, the rule waived, read the second time by its title, and ordered to be engrossed for a third reading on to-morrow.

Pursuant to previous notice, Mr. Galbraith introduced a bill to be entitled An act to amend An act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Which was read the first time, the rule waived, read the second time by its title, and referred to a Select Committee consisting of Messrs. Galbraith, Thompson of Santa Rosa and Bellamy.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled an act to extend political equality to Ignatio Phales and others;

Which was read the first time and ordered for a second reading to-morrow.

Mr. Carter introduced a resolution to declare Manatee a Port of Delivery;

Which was read the first time and ordered for a second reading on to-morrow.

Senate bill to be entitled an act to empower John Richard Bradford, a minor, to assume the management of his own estate, was read the first time, and ordered for a second reading to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock

TUESDAY, December 5th, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday was read, amended and approved.

James Brown, member elect from Washington County, presented his certificate of election and was duly sworn by C. H. Austin, Esq., Justice of the Peace.

On motion, Mr. Fennell was added to the Committee on Corporations and Internal Improvements.

Mr. Fennell gave notice that he would on some future day ask leave to introduce a bill to amend the several acts relating to Gambling.

Mr. Russell gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to legalize the proceedings of the Judge of Probate of St. Lucie County ;

Also, a bill to be entitled An act to change the name of St. Lucie County, and for other purposes.

Mr. Langford introduced a Preamble and Resolution relative to Suwannee River ;

Which was read the first time and ordered for a second reading on to-morrow.

The Committee on Propositions and Grievances made the following Report :

The Committee to whom was referred a Bill to be entitled An act for the relief of Watson Leggett, having had the same under consideration, beg leave to

REPORT :

That your Committee think it would be establishing a bad precedent to recommend the passage of said bill, and would therefore report against its passage.

All of which is respectfully submitted.

J. P. PENN, Chairman.
GILES BOWERS,
S. F. JONES,
E. J. DUMMETT,
JOS. B. CHRISTIE.

Which was received and the bill placed among the Orders of the Day.

The Committee on Propositions and Grievances made the following Report :

The Committee to whom was referred a bill to be entitled An act for the relief of Jose Vigil, having had the same under consideration, beg leave to

REPORT :

That in consideration of the large number of signatures in favor of Mr. Vigil, and the respectability of the same, your Committee would respectfully recommend the passage of a bill for his relief.

All of which is respectfully submitted.

J. P. PENN, Chairman.
GILES BOWERS,
JOS. B. CHRISTIE,
S. F. JONES,
E. J. DUMMETT,

Which was received, and the Bill placed among the Orders of the Day.

The Committee on Enrolled and Engrossed Bills reported as correctly engrossed a Bill to be entitled, An act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color into this State.

Which report was received, and the Bill placed among the Orders of the Day.

ORDERS OF THE DAY.

A Bill to be entitled, An act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

A Bill to be entitled, An act to extend political equality to Ignatio Phales and others;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Resolution to declare Manatee a Port of Delivery;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Senate Bill to be entitled, An act to empower John Richard Bradford, a minor, to assume the management of his own estate;

Was read the second time and ordered for a third reading on to-morrow.

Engrossed Bill to be entitled, An act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color into this State;

Came up on its third reading and was postponed until to-morrow.

A bill to be entitled An act for the relief of Watson W. Leggett;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act for the relief of Jose Vigil;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, December 6, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Shine,

Leave of absence was granted to Mr. Fennell until Friday next.

Pursuant to previous notice, Mr. Harris introduced a bill to be entitled An act to amend An act entitled An act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852;

Which was read the first time and ordered for a second reading on to-morrow.

Mr. Rowley gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to authorize Stephen C. Gonzalez to build a Wharf in the city of Pensacola;

Also a bill to be entitled An act to authorize S. A. Leonard to build a wharf in the city of Pensacola.

Mr. Harris gave notice that he would on some future day ask leave to introduce a bill to be entitled An act for the improvement of certain rivers, and for other purposes.

Mr. Johnston gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to empower Malcolm Nicholson, a minor, to assume the management of his own estate.

Pursuant to previous notice, Mr. Haynes introduced a bill to be entitled An act to prevent the abduction and escape of slaves from this State;

Which was read the first time, the rule waived, read the second time by its title and referred to the Judiciary Committee.

Pursuant to previous notice, Mr. Haddock introduced a bill to be entitled An act to repeal An act entitled An act to amend the several acts concerning Licences to retail spirituous liquors;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Haddock introduced a bill to be entitled An act to legitimize Lucinda Read of Hamilton County, Florida;

Which was read the first time and ordered for a second reading on to-morrow

Pursuant to previous notice, Mr. Haddock introduced a bill to be entitled An Act to authorize Jackson Lee of Hamilton County to assume the management of his own estate;

Which was read the first time, and ordered for a second reading on to-morrow.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled An act for the relief of Dr. Algernon S. Speer and Arthur Ginn;

Which was read the first time, and ordered for a second reading on to-morrow.

The Committee on Corporations made the following report:

The Committee on Corporations, to whom was referred the bills of Henry Benner and Neil Munroe, to establish ferries across the

Withlacoochee River, also Allen Mondin to establish a toll bridge across the same, beg leave to

REPORT :

That they have had the same under consideration, and recommend the passage of the same.

JOSHUA TAYLOR,
Chairman.

Which was read and the bills placed among the orders of the day.

The Speaker announced the following Standing Committees of the House :

On the State of the Capitol.

MESSRS. CHRISTIE,
FENNELL,
PRESCOTT,
LANGFORD,
JOHNSTON.

On Census and Apportionment.

MESSRS. DELL,
CHAIRES,
WHITEHURST,
HADDOCK.

The Committee on State Lands, to whom was referred a bill to be entitled An act for the relief of Henry Christy and Theophilus Higginbotham, reported the same back to the House without amendment, and recommended its passage ;

Which report was received and the bill placed among the Orders of the Day.

ORDERS OF THE DAY.

Preamble and Resolutions relative to Suwannee River ;

Were read the second time.

Mr. Dewitt moved that they be indefinitely postponed ;

Upon which the yeas and nays were called for and were :

Yeas—Messrs. Carter, Chaires, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Penn, Pope, Porter, Prescott, Rowley, Taylor, Thompson of Levy and Wall—17.

Nays—Messrs. Baisden, Brown, Hollaman, Johnston, Jones of Monroe, Langford, Shine, Speer, Thompson of Santa Rosa, Vanzant and Zeigler—11.

So the motion prevailed, and the preamble and resolutions were indefinitely postponed.

A bill to be entitled An act to restore the force and operation of

the general laws of this State in relation to the migration of free persons of color into this State ;

Was read the third time, and on the question of its passage the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, Wall, Whitehurst and Zeigler—33.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to empower John Richard Bradford, a minor, to assume the management of his own estate ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall, Whitehurst and Zeigler—30.

Nays—Messrs. Dewitt, Dummett, Jones of Monroe, Langford and Taylor—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Resolution to declare Manatee a port of delivery ;

Was read the third time and adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act for the relief of Watson W. Leggett ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Carter, Dell, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Parsons, Pope, Prescott, Speer, Thompson of Levy, VanZant, Wall and Whitehurst—16.

Nays—Messrs. Bowers, Chaires, Coombs, Dewitt, Dummett, Hollaman, Jones of Monroe, Langford, Penn, Porter, Rowley, Shine, Taylor and Zeigler—14.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Upon motion, a call of the House was ordered, and upon calling the roll the following members answered to their names :

Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Harris, Haynes, Holloman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Speer, Taylor,

Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall, Whitehurst and Zeigler—33.

Further proceedings under the call were dispensed with.

A Bill to be entitled, An Act for the relief of Jose Vigil;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Harris, Haynes, Johnston, Jones of Monroe, Jones of Nassau, Penn, Pope, Porter, Prescott, Speer, Thompson of Levy, Thompson of Santa Rosa, and Whitehurst—21.

Nays—Messrs. Dewitt, Dummett, Hollaman, Langford, Rowley, Shine, Taylor, VanZant, Wall and Zeigler—10.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A Bill to be entitled, An Act to extend political equality to Ignatio Phales and others;

Came up on its third reading, and was postponed, and made the special order of the day for Saturday week.

A Bill to be entitled, An Act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Carter, Chaires, Dell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall, Whitehurst and Zeigler—24.

Nays—Messrs. Brown, Coombs, Dewitt, Dummett, Jones of Monroe, Langford, Porter and Taylor—8.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled, An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled, An Act to authorize Allen Mondin to establish a toll bridge across the Withlacoochee River;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled, An Act to authorize Neil Monroe to establish a ferry across the Withlacoochee River;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled, An Act for the relief of Henry Christy and Theophilus Higginbotham;

Was read the second time, and ordered to be read a third time on to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 7, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the journal of yesterday was read, amended and approved.

The following Bills and resolution, which had passed the House, were transmitted to the Senate, viz :

Bill to be entitled An Act to restore the force and operation of the general laws of this State in relation to the migration of free persons of color into this State ;

Bill to be entitled An Act for the relief of Watson W. Leggett ;

Bill to be entitled An Act for the relief of Jose Vigil ;

Bill to be entitled An Act to authorise Andrew J. Smiley, a minor, to assume the management of his own estate ;

Resolution to declare Manatee a Port of Delivery ; and

Senate Bill to be entitled An Act to empower John Richard Bradford, a minor, to assume the management of his own estate.

Mr. Pope gave notice that he would, on some future day, ask leave to introduce a Bill to legitimatize and change the names of Richard R., James B., Thomas B., Wade Ann, and Charlott Ann Lamb ;

Also, a Bill authorizing Andrew J. Lea to sell and convey the Lands belonging to the estate of John D. Shehee, deceased, under certain restrictions.

Mr. Dummett gave notice that he would, on some future day, ask leave to introduce a Bill to amend An Act incorporating the city of St. Augustine, approved 4th Feb'y. 1833.

Pursuant to previous notice, Mr. Galbraith introduced a Bill to be entitled An Act to provide for the relinquishment to the United States, in certain cases, title to and jurisdiction over lands for sites of Light Houses and for other purposes on the coast and waters of this State ;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Rowley introduced a bill to be entitled An act to authorize Stephen C. Gonzalez to build a wharf in the city of Pensacola ;

Which was read the first time, the rule waived, read the second time by its title, and referred to the Committee on Corporations.

Pursuant to previous notice, Mr. Rowley introduced a bill to be entitled An act to authorize Samuel A. Leonard to build a wharf in the city of Pensacola ;

Which was read the first time, the rule waived, read the second time by its title, and referred to the Committee on Corporations.

Mr. Johnston gave notice that he would on some future day, ask leave to introduce a bill to be entitled An act to change the period now fixed by law for the payment of taxes and the settlement of Tax Collectors.

Mr. Dummett gave notice that he would on some future day, ask leave to introduce a bill to be entitled An act to allow the "Florida Independent Blues" sixty muskets and accoutrements, to be used by them during their organization as a military company.

Pursuant to previous notice, Mr. Harris introduced a bill to be entitled An act for the improvement of certain rivers, and for other purposes ;

Which was read the first time, the rule waived, read the second time by its title, and referred to the Committee on Internal Improvements.

The Speaker laid before the House a memorial from the New York Institute, asking a complete set of all the Public Acts and Statutes of Florida ;

Which was read and referred to the Judiciary Committee.

Mr. Jones, of Monroe, presented a petition from 187 citizens of Monroe County, asking further restrictions upon the liquor traffic ;

Which was read and referred to a Select Committee, consisting of Messrs. Jones of Monroe, Penn, Zeigler, Wall and Neel.

The Select Committee appointed to draft and report rules for the Government of this House, reported the rules of the last session, and recommended that they be adopted as the rules of the present session ;

Which report was received, and the rules adopted.

Mr. Galbraith moved that 75 copies of the list of Standing Committees be printed for the use of this House ;

Which motion prevailed.

Mr. Dell moved that the Sergeant-at-Arms be instructed to obtain the copies of the Governor's Message which had been ordered to be printed for the use of this House ;

Which motion prevailed.

ORDERS OF THE DAY.

A bill to be entitled An Act to amend an act entitled an act to grant pre-emption rights to settlers on State lands, approved Dec. 31, 1852 ;

Was read the second time, and 60 copies thereof ordered to be printed.

A bill to be entitled An Act to repeal an act to amend the several acts concerning Licenses to retail Spirituous Liquors ;

Was read the second time, and referred to the Committee on Finance.

A bill to be entitled An Act to legitimize Lucinda Read, of Hamilton County, Florida ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An Act to authorize Jackson Lea, of Hamilton County, to assume the management of his own estate ;

Was read the second time, and ordered to be read a third time on to-morrow.

On motion, the rules were suspended to permit Mr. Dell to offer a Resolution.

Mr. Dell offered the following resolution :

Resolved, That the Sergeant-at-Arms be instructed to get carpeting enough to cover the floor without the bar of the Representative Hall ;

Which resolution was adopted.

A bill to be entitled An Act for the relief of Dr. Algernon S. Speer and Arthur Ginn ;

Was read the second time, and referred to the Committee on Claims.

A bill to be entitled An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Zeigler—31.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Whitehurst and Zeigler—31.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize Neil Monroe to establish a Ferry across the Withlacoochee River ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaires, Christie, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Monroe; Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Whitehurst and Zeigler—30.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act for the relief of Henry Christy and Theophilus Higginbotham ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Bowers, Brown, Carter, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Whitehurst and Zeigler—30.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 8, 1854.

The House met pursuant to adjournment.

A quorum being present, on motion, the reading of the journal of yesterday was dispensed with.

The following Bills, which had passed the House, were transmitted to the Senate, viz :

Bill to be entitled An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River ;

Bill to be entitled An Act to authorize Allen Mondin to establish a toll-bridge across the Withlacoochee River ;

Bill to be entitled An Act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ; and

Bill to be entitled An Act for the relief of Henry Christy and Theophilus Higginbotham.

Mr. Shine announced to the House the death of Gen. John P. Duval, and moved that the House adjourn until to-morrow morning, 10 o'clock, to permit the members to attend his funeral ;

Which motion prevailed, and the House adjourned until to-morrow morning, 10 o'clock.

SATURDAY, December 9, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

On motion of Mr. Harris, leave of absence was granted to Mr. Bel-lamy until Wednesday next.

On motion of Mr. Taylor, leave of absence was granted to Messrs. Coombs and Dismukes until Monday next.

Mr. Shine gave notice that he would on some future day, ask leave to introduce a bill to be entitled, An Act for the relief of Doctors Eppes & Robertson.

Pursuant to previous notice, Mr. Bowers introduced a bill to be entitled, An Act authorizing James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton;

Which was read the first time, and ordered to be read a second time on Monday next.

Pursuant to previous notice, Mr. Speer introduced a bill to be entitled, An Act to organize the County of Volusia;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Whitehurst gave notice that he would on some future day, ask leave to introduce a bill relative to the 3rd, 8th, and 10th Sections of the Sixth Article of the Constitution of this State.

Mr. VanZant gave notice that he would on some future day, ask leave to introduce a bill, to authorize B. F. Jordon to build a Toll Bridge across the Suwannee River, at or near the White Springs, and for other purposes.

Pursuant to previous notice, Mr. Johnston introduced a bill to be entitled, An Act to change the periods now fixed by law for the payment of Taxes and for the settlement of Tax Collectors;

Which was read the first time, and ordered to be read a second time on Monday next.

Pursuant to previous notice, Mr. Johnston introduced a bill to be entitled, An Act to empower Malcolm Nicholson, a minor, to assume the management of his own estate;

Which was read the first time, and ordered to be read a second time on Monday next.

Pursuant to previous notice, Mr. Dummett introduced a bill to be entitled, An Act to amend the Act incorporating the City of St. Augustine, approved 4th February, 1833;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Haynes gave notice that he would on some future day, ask leave to introduce a bill to be entitled, An Act to incorporate a Bank in the Town of Jacksonville.

Pursuant to previous notice, Mr. Thompson, of Levy, introduced a bill to be entitled, An Act to amend the Patrol Laws of this State;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Haynes presented a Petition of the citizens of the Brandy Branch Neighborhood, asking a change of the boundary line between the Counties of Nassau and Duval;

Which was read, and referred to a select Committee, consisting of Messrs. Haynes, Galbraith and Bowers.

Mr. Shine presented the Petition of L. C. Demilly, asking compensation for services rendered in cleaning and repairing the State arms;

Which was read, and referred to the Committee on Claims.

Mr. Dummett offered a Resolution to declare Picolata a Port of Delivery;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Dell offered the following resolution:

Resolved, That no member of the House of Representatives shall receive the per diem allowed by law, who does not serve, unless himself or family are sick.

Mr. Pope moved that the resolution be laid upon the table, upon which the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Dismukes, Fennell, Galbraith, Harris, Johnston, Langford, Neel, Penn, Pope, Shine, Taylor, Thompson of Santa Rosa, Wall and Whitehurst—18.

Nays—Messrs. Dell, Haynes, Parsons, Prescott, Rowley and Thompson of Levy—6.

So the resolution was laid on the table.

The Committee on Claims made the following Report:

The Committee to whom was referred the Bill for the relief of Algernon S. Speer and Arthur Ginn, beg leave to

REPORT:

That they have had the same under consideration, and find that said Speer and Ginn were appointed by the Governor of the State to fill the offices for which they claim compensation, and that they performed the service in good faith. We therefore recommend the passage of the bill.

PHILIP DELL,
Chairman.

Which report was received, and the Bill placed among the Orders of the Day.

The Committee on Corporations, to whom was referred the bills authorizing Samuel A. Leonard, and Stephen C. Gonzalez to build wharves in the City of Pensacola, reported said bills back to the House without amendment, and recommended their passage ;

Which report was received and the bills placed among the Orders of the Day.

The Select Committee, to whom was referred a bill to be entitled An Act to amend an act to provide for the payment of Jurors and State witnesses, approved January 8, 1848, made the following Report :

The Select Committee, to whom was referred a bill to be entitled, "An Act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848," have had the same under consideration, and beg leave to

REPORT :

That the bill involves a question of much importance, and is well worthy the mature consideration of this Assembly. The present amount of compensation allowed to Jurors and State Witnesses in this State, is either too much or not enough. If the principle is correct that the services of all its citizens as Jurors and Witnesses are due the State absolutely, and that they have no just right to claim any compensation for the same, and are bound to devote their time and sacrifice their private interests to preserve the public peace, protect the property and settle the difficulties of others, and punish crimes, without any reward, then is the present compensation unauthorized and unnecessary. But if, on the contrary, it is proper and just that the community should compensate those whose services it requires, in the execution of its laws and the administration of its government, in proportion to the labor and inconvenience to which it puts them, and its ability so to compensate them, then is the present compensation of Jurors in this State inadequate and unjust. This latter principle of compensation has been adopted by almost all governments as reasonable and proper. This is evidenced by the salaries of our State officers, and of the members of this Assembly.

By the present law, a Juryman receives one dollar per day for his services. The bill proposes to increase this amount to one dollar and twenty-five cents, and allows five cents mileage travelling to and from the Court. In most if not all the Counties of this State, the inconvenience and loss to which Jurymen are subject in attending Court, bears no proportion whatever to the compensation which they now receive. In many of our Counties, the Courts sit at those seasons of the year when farmers are most busy. It is not uncommonly the case that a man of small means, who depends mainly on his own labor to make his crop, is, at the very time when it most needs

his attention, compelled to travel daily, for two weeks, ten, fifteen, or even twenty miles to attend Court as a Juror, while his business is suffering severely for want of his personal attention. The compensation which he receives is the same as that of the Juror who lives at the Court-house, and is as nothing to his losses. This is unjust, and no good reason can be offered why those whose property and lives are protected by his services should not pay him at least enough to bear his expenses while engaged in their service. If it is objected that it will increase the expenses of the Government, we say, nevertheless, let justice be done. Those who enjoy the blessings and security of civil government, must pay for its support and administration. Our government is not so poor and bankrupt that it must do injustice to its own citizens to support itself. To the wealthy citizen, the question of the increase of his pay as a Juror a few cents, may be a matter of little consideration, but to the poor man, whose time is money, it is a subject of importance.

The second section of the bill provides for the payment of Witnesses summoned to testify before Grand Juries. There is no reason why witnesses before Grand Juries should not receive the same compensation as those who testify before petit juries. The inconvenience to which they are put is the same—their loss of time is the same, and nearly all the other circumstances are the same. Why, then, should they receive no compensation? There is no other reason but that it would be too great a tax upon the treasury. The bill, however, provides that the compensation of witnesses summoned before Grand Juries shall be paid out of the treasuries of the respective counties. The deliberations of Grand Juries, and the investigations which precede the finding of a true bill, are done on the part of the county, though after the Grand Jury has presented, the State prosecutes. It is not improper, then, that the counties as such should bear part in the expenses of these preliminary investigations. Besides it is urged that such a provision may make Grand Juries more cautious in summoning witnesses before them, and putting them to great trouble and expense on idle and frivolous grounds.

For these reasons, your Committee report the bill back to the House without amendment, and recommend that it do pass.

J. B. GALBRAITH,

Chairman.

Which Report was received, and 75 copies of the Bill ordered to be printed.

ORDERS OF THE DAY.

A bill to be entitled An act to extend political equality to Ignatio Phalez and others;

Came up on its third reading, and was postponed until Monday next.

A bill to be entitled An act to provide for the relinquishment to

the United States in certain cases, title to, and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State ;

Was read the second time, and referred to the Judiciary Committee.

A bill to be entitled An act to legitimize Lucinda Read, and to make her the heir at law of William M. Read, of the County of Hamilton, Florida ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—28.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate :

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—26.

Nays—Messrs. Langford, Taylor and VanZant—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act for the relief of Dr. Algernon S. Speer, and Arthur Ginn ;

Was read the second time, and ordered for a third reading on Monday next.

A bill to be entitled An act to authorize Samuel A. Leonard to build a wharf in the city of Pensacola ;

Was read the second time, and ordered to be read a third time on Monday next.

A bill to be entitled An act to authorize Stephen C. Gonzalez to build a wharf in the city of Pensacola ;

Was read the second time, and ordered to be read a third time on Monday next.

The following bills which had passed the House, were transmitted to the Senate, viz :

Bill to be entitled An act to legitimize Lucinda Read, and to make her the heir-at-law of William M. Read of the County of Hamilton, Florida ; and

Bill to be entitled An act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate.

The rules being waived to permit Mr. Dell to make a motion, Mr. Dell moved that Messrs. Thompson of Levy, Pope and Parsona, be added to the Committee on Census and Apportionment;

Which motion was carried.

The rules being suspended to permit Mr. Pope to make a motion, Mr. Pope moved that leave of absence be granted to Mr. Taylor until Tuesday next;

Which motion was carried.

The rules being suspended to permit Mr. Bowers to make a motion, Mr. Bowers moved that leave of absence be granted to Mr. Whitehurst until Tuesday next;

Which motion was carried.

Mr. Rowley moved that the House adjourn until Wednesday morning, 10 o'clock ;

Which motion was lost.

On motion of Mr. Speer, the House adjourned until Monday morning, 10 o'clock.

MONDAY, December 11, 1854.

The House met pursuant to adjournment.

A quorum being present the Journal of Saturday was read and approved.

Mr. Galbraith moved that the use of the Representative Hall be granted to the Ladies of Tallahassee, for the purpose of giving a concert on Thursday evening next ;

Which motion was carried.

On motion of Mr. Penn, Mr. Carter was added to the Committee on Propositions and Grievances.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled, An Act to authorize John W. Robarts, to Practice Medicine ;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Carter gave notice that he would on some future day, ask leave to introduce a bill to be entitled, An Act to organize a County to be called the County of Manatee.

Pursuant to previous notice, Mr. VanZant introduced a bill to be entitled, An Act to authorize B. T. Gordon, of Columbia County, to build a Toll Bridge across the Suwannee River ;

Which was read the first time, and ordered to be read a second time on to-morrow.

The Senate returned the following House Bills, as having passed that body without amendment, viz :

Bill to be entitled An Act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River, and

Bill to be entitled An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River.

Ordered, that said bills be enrolled.

ORDERS OF THE DAY.

A bill to be entitled, An act to amend an act entitled An act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852;

Was read the second time and referred to the Committee on State Lands.

A bill to be entitled, An act to authorize James M. Cockroff to erect a toll bridge across East River, in the County of Walton, at or near Cockroff's Ferry, on said river;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled, An act to organize the County of Volusia;

Was read the second time and referred to a Select Committee, consisting of Messrs. Dummett, Spear and Galbraith.

A bill to be entitled, An act to change the periods now fixed by law for the payment of taxes and for the settlement of Tax Collectors;

Was read the second time and referred to the Judiciary Committee.

A bill to be entitled, An act to empower Malcolm Nicholson, a minor, to assume the management of his own estate;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled, An act to amend the act incorporating the City of St. Augustine, approved 4th February, 1833;

Was read the second time by its title, and referred to the Committee on Corporations.

A bill to be entitled, An act to amend the Patrol Laws of this State;

Was read the second time and ordered to be read a third time on to-morrow.

Resolution, asking that Picolata be made a Port of Delivery;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled, An act to extend political equality to Ignatio Phales and others;

Was read the third time.

On motion of Mr. Galbraith, the rule was waived, and said bill was referred to a Select Committee consisting of Messrs. Galbraith, Parsons and Rowley.

A bill to be entitled An act for the relief of Dr. Algernon S. Speer and Arthur Ginn ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize Samuel A. Leonard to build a wharf in the city of Pensacola ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Fennell, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Riviere, Rowley, Speer, Thompson of Santa Rosa, and Wall—22.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled, An Act to authorize Stephen C. Gonzalez to build a wharf in the City of Pensacola ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Fennell, Haddock, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Penn, Prescott, Riviere, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—23.

Nays—None.

So the bill passed—title as stated.

Ordered, that the same be certified to the Senate.

On motion of Mr. Galbraith, the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY, December 12, 1854.

The House met pursuant to adjournment.

A quorum being present, the Journal of yesterday was read, amended and approved.

Pursuant to previous notice, Mr. Dell introduced a bill to be entitled An Act to repeal the Fifth Clause of the Sixth Article of the Constitution of this State ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Dell introduced a bill to be entitled An Act in relation to Dower ;

Which was read the first time, and ordered to be read a second time on to-morrow.

On motion of Mr. Russell, so much of the Report of the State Engineer and Geologist, accompanying the Governor's Message, as relates to the connection of St. Johns and Indian Rivers, was referred to the Committee on Internal Improvements.

On motion of Mr. Shine, so much of the Governor's Message as relates to census and apportionment was referred to the Committee on Census and Apportionment.

Mr. Carter gave notice that he would, on a future day, ask leave to introduce a bill to be entitled An Act to authorize County Commissioners to grant Licenses to retail Spirituous Liquors, and for other purposes.

Mr. Russell gave notice that he would on some future day, ask leave to introduce a Bill to be entitled An act to amend the laws of this State relative to distress and sale of lands for non-payment of taxes.

Mr. Galbraith gave notice that he would on some future day ask leave to introduce a resolution asking Congress to declare Indian River a Port of Delivery.

Mr. Carter presented the Petition of 166 citizens of Hillsborough County, asking that John W. Robarts of said County be empoweerd to practice medicine.

Mr. Neel moved that said petition be referred to the Judiciary Committee ;

Which motion was lost.

On motion, the petition was laid on the table.

The Select Committee, to whom was referred the petition of sundry citizens of Monroe County, asking further restrictions upon the liquor traffic, made the following report :

The Committee to whom was referred the petition of Alexander Patterson, and others, citizens of Monroe County, beg leave to

REPORT :

That they are convinced that the subject of the traffic in ardent spirits, is one that requires the serious and careful consideration of the Legislature. Every restriction should be thrown about it consistently with the rights of individuals. We cannot legislate upon nor restrict the *use* of intoxicating drinks as a beverage ; for every man has as much right to *drink* as he has to *eat* what he pleases. Yet the *traffic* may become a serious public evil, and it therefore becomes the right and the duty of the Legislature to limit and control that traffic by wise legislation.

Tippling houses and dram shops are almost necessarily a nuisance, and it should therefore be the policy of the law to limit their number. This is to be accomplished by laying a heavy tax upon the license. The action of the last General Assembly, fixing the amount of State tax at two hundred dollars, has had a happy effect; and we are led to believe, from present indications, that public opinion throughout the State is adverse to any increase of that tax.

There is an evil, however, connected with this subject which should be remedied—as our laws now are, there is no restriction upon the sale of ardent spirits in quantities over a quart. In consequence of this, every merchant sells by the quart, and the evils resulting notoriously from this practice, are almost, if not quite, as great as from *dram selling* itself. It defeats that policy of the law which would limit the number of dram shops, and at the same time, injures the business of the licensed retailer, who has paid his tax and is entitled to protection in his business. Your committee recommend that the limit to the amount authorised to be sold without license be raised to *one gallon*, and herewith submit a bill for that purpose.

All of which is respectfully submitted.

S. F. JONES, Chairman,

W. M. C. NEEL,

JAMES P. PENN,

ELIJAH WALL.

Which was received, and the accompanying bill read the first time, and ordered to be read a second time on to-morrow.

The Joint Select Committee appointed to draft and report Rules for the government of the two Houses of the General Assembly, made the following report :

The Joint Select Committee, appointed by the Senate and House of Representatives, to draft and report Rules for the government of the two branches of the General Assembly, beg leave to report the following :

JOINT RULES OF THE GENERAL ASSEMBLY.

RULE 1. Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When bills shall be enrolled, they shall be examined by a Joint Committee of at least two from the Senate, and two from the House of Representatives, appointed as a Standing Committee for that purpose, who shall forthwith make report.

4. When a bill or resolution, which shall have passed in one

House is rejected in the other, notice thereof shall be given to the **House** in which the same may have passed.

5. When a bill or resolution which has been passed in one **House**, shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days, and leave of two-thirds of that **House** in which it shall be moved.

6. Each **House** shall transmit to the other all papers on which any bill or resolution shall be founded.

7. No bill that shall have passed one **House**, shall be sent for concurrence to the other, on either of the last three days of the session.

8. After each **House** shall have adhered to their disagreement, a bill or resolution shall be lost.

9. When elections are required to be made by joint vote of the two **Houses**, the time of electing shall be previously agreed upon, and each **House** shall communicate the nominations made therein to the other, prior to the voting.

10. Each **House** shall communicate to the other the nominations, and the result of each voting.

11. In every Joint Committee the member first named on the part of the **House** first proposing such Committee, shall convene the same.

12. During the election of officers there shall be no motions entertained, except to adjourn, to proceed to vote, to nominate and to withdraw a candidate—which motions shall have precedence in the order they stand.

13. The doings throughout shall proceed without debate.

14. Communications shall be made on paper, and signed by the Secretary of each **House**, and transmitted by the Messenger, or Door-keeper.

15. In the election for the Senate of the United States, both Senators shall be voted for at the same time, until one or both of them shall be chosen.

16. In every case of disagreement between the Senate and **House** of Representatives, either **House** may suggest conference, and appoint a Committee for that purpose, and the other **House** shall also appoint a Committee to confer at a convenient hour, to be designated by the Chairman; said Committees shall meet, and confer freely on the subject of disagreement.

17. Whenever a public bill or resolution is ordered to be printed for the use of either **House**, a number shall be ordered sufficient for the use of both **Houses**; and it shall be the duty of the Secretary of the Senate or Clerk of the **House**, as the case may be, to inform the

other House of such order, and to transmit to that House the requisite number of printed copies.

All of which is respectfully submitted.

B. C. POPE,

Chairman of Com. on part of House.

M. A. LONG,

Chairman of Com. on part of Senate.

Which report was received and read.

Mr. Dell moved that the rules reported by the Committee be adopted by the House;

Which motion was lost.

Mr. Dell moved that a Committee of three be appointed to act with a similar Committee on the part of the Senate, for the purpose of drafting and reporting Joint Rules for the regulation of the two Houses of the General Assembly during the present session;

Which motion was agreed to, and Messrs. Dell, Shine and Dewitt were appointed said Committee.

Ordered that the same be certified to the Senate.

ORDERS OF THE DAY.

Resolution asking that Picolata be made a Port of Delivery;

Was read the third time, and on the question of its adoption the vote was:

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dewitt, Dismukes, Dummett, Fennel, Galbraith, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Zeigler—31.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled, An act to amend the Patrol Laws of this State;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Carter, Chaires, Coombs, Jones of Monroe, Parsons, Pope, Prescott, Speer, Thompson of Levy, and VanZant—10.

Nays—Messrs. Bowers, Brown, Fennell, Haddock, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Penn, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Zeigler—16.

So said bill was lost.

A bill to be entitled, An Act to empower Malcolm Nicholson, a minor, to assume the management of his own estate;

Came up on third reading, and was postponed until to-morrow.

A bill to be entitled, An Act authorizing James M. Cockroff, to

erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry, on said River;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Chaires, Dewitt, Dismukes, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Reviere, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—25.

Nays—Messrs. Carter, Jones of Monroe and Zeigler—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled, An Act to authorize B. T. Jordon, of Columbia County, to build a Toll Bridge across the Suwannee River;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled, An Act to authorize John W. Robarts to practice Medicine;

Was read the second time.

Mr. Jones of Monroe moved to strike out the enacting clause, upon which the yeas and nays were called, and resulted as follows :

Yeas—Messrs. Dewitt, Hollaman, Jones of Monroe, Penn and Zeigler—5.

Nays—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Langford, Neel, Parsons, Pope, Prescott, Rowley, Speer, Thompson of Levy, Wall and Whitehurst—22.

So the motion was lost.

On motion of Mr. Dummett, the bill was laid on the table.

The following message from the Senate was read :

SENATE CHAMBER, Dec. 12, 1854.

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills and resolutions, viz :

House bill to be entitled, An Act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate;

House bill to be entitled, An Act to authorize Neil Monroe, to establish a Ferry across the Withlacoochee River;

A bill to be entitled, An Act to repeal the road tax of Santa Rosa County;

A bill to be entitled, An Act to amend An Act in relation to Pilotage, at the Port of Key West;

House bill to be entitled, An Act for the relief of Watson W. Leggett;

House resolution to declare Manatee a Port of Delivery;

A resolution in relation to the Election of officers therein named;
A resolution designating adjournment of the General Assembly.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills and resolution be enrolled, and that the Senate bills and resolutions be placed among the Orders of the Day.

Mr. Haynes moved that the House reconsider the vote on the question of the passage of a bill to be entitled, An Act to amend the Patrol Laws of this State;

Which motion was lost.

Senate resolution in relation to the election of certain officers therein named;

Was read and postponed until Thursday.

Senate resolution designating the day for the adjournment of the General Assembly;

Was read the first time.

Mr. Penn moved that the resolution be laid upon the table, upon which the yeas and nays were called, and were as follows:

Yeas—Messrs. Bowers, Brown, Carter, Dell, Dewitt, Dummett, Haddock, Harris, Haynes, Jones of Monroe, Jones of Nassau, Parsons, Penn, Prescott, Rowley, Thompson of Levy, VanZant and Wall—18.

Nays—Messrs. Baisden, Chaires, Coombs, Dismukes, Fennell, Hollaman, Langford, Neel, Pope, Reviere, Shine, Speer, Thompson of Santa Rosa, Whitehurst and Zeigler—15.

So the resolution was laid on the table.

Senate bill to be entitled An act to repeal the Road Tax of Santa Rosa County;

Was read the first time and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to amend An act in relation to Pilotage at the Port of Key West;

Was read the first time and ordered to be read a second time on to-morrow.

The following message from His Excellency the Governor, was received and read:

EXECUTIVE CHAMBER,
December 9th, 1854. }

To the Hon. WM. F. RUSSELL,

Speaker of the House of Representatives:

Sir:—I nominate William P. Dewees for the office of Notary Public, in and for Duval County.

JAMES E. BROOME.

Also the following:

EXECUTIVE CHAMBER, }
December 9th, 1854. }

To the Hon. WM. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I respectfully nominate Jacob A. Garrard and Cyprian T. Jenkins, as Notarie's Public, and James A. Boyet and John E. Johnson, as Auctioneers, in and for the County of Hernando.

JAMES E. BROOME.

On motion, the consideration of the nominations therein made, was postponed until Thursday next.

On motion, the House adjourned until to-morrow morning, 10 o'clock..

WEDNESDAY, December 13, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday was read and approved.

The following Bills and Resolution which had passed the House, were transmitted to the Senate, viz :

Bill to be entitled an Act for the relief of Algernon S. Speer and Arthur Ginn ;

Bill to be entitled an Act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola ;

Bill to be entitled an Act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola ;

Bill to be entitled an Act to authorize James M. Cockroff to build a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry on said River ;

Resolution asking that Picolata be made a Port of Delivery.

Pursuant to previous notice, Mr. Haynes introduced a bill to be entitled, An Act to incorporate a Bank in the Town of Jacksonville ;

Which was read the first time by its title, the rule waived, read a second time by its title, and 75 copies thereof ordered to be printed.

Notice was given of intention to introduce the following bills on some future day :

By Mr. Pope :

A bill to repeal the Third Article of Fourth Section of the law providing for sales or property under execution ; also

A bill to alter and change the laws now in force providing for the selection of Jurors.

By Mr. Brown :

A bill to authorize William A. Gainer to build a Toll Bridge over Bear Creek in Washington County.

By Mr. Shine :

A bill to be entitled An act to regulate the fees of Justice's of the Peace; also

A bill to be entitled An act for the relief of William R. Hayward.
By Mr. Parsons:

A bill to be entitled An act in relation to Pilotage at the Port of Bayport; also

A bill to be entitled An act in relation to the offices of Sheriff and Tax Assessor and Collector in Hernando County.

By Mr. Dewitt:

A bill to be entitled An act to authorize Oliver H. Hearn to build Bridge across the Ocilla River.

By Mr. Carter:

A bill to be entitled An act to provide for the payment of State Script and for other purposes.

By Mr. Haynes:

A bill to be entitled An act to regulate Pilotage on the Bar of the River St. John's.

Pursuant to previous notice, Mr. Fennell introduced a bill to be entitled An act to amend the laws of this State relating to gambling;

Which was read the first time, and ordered to be read a second time on to-morrow.

On motion, the rules were waived to permit Mr. Thompson, of Levy, to introduce a bill without previous notice.

Mr. Thompson of Levy introduced a bill to be entitled An act to increase the salaries of certain State Officers, &c.;

Which was read the first time, and the rule being waived, read a second time by its title.

Mr. Dell moved that said Bill be laid on the table;

Upon which motion the yeas and nays were called, and were as follows:

Yeas—Messrs. Bowers, Brown, Dell, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere and Whitehurst—12.

Nays—Messrs. Baisden, Carter, Chaires, Coombs, Dewitt, Dismukes, Dummett, Galbraith, Harris, Haynes, Penn, Prescott, Rowley, Shine Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall and Zeigler—19.

So the House refused to lay said bill on the table.

On motion, said bill was referred to the Committee on Finance and Public Accounts.

Pursuant to previous notice, Mr. Pope introduced a bill to be entitled An act authorizing and empowering A. J. Lea, Administrator, to sell certain real estate therein specified;

Which was read the first time, the rule waived, read the second time by its title, and ordered to be read a third time on to-morrow.

Mr. Dummett introduced a resolution authorizing the Governor to

turn over sixty muskets and accoutrements to the Florida Independent Blues;

Which was read the first time and ordered to be read a second time on to-morrow.

Mr. Hollaman moved that a copy of each of the newspapers published in the city of Tallahassee, be furnished each member of this House;

Which motion was agreed to.

Mr. Baisden, from the Committee on Engrossed and Enrolled Bills, reported as correctly enrolled the following bills, viz :

A bill to be entitled An act to authorize Henry Benner to establish a Ferry across the Withlacoochee River ;

A bill to be entitled An act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ;

A bill to be entitled An act to authorize Andrew J. Smiley, a minor, to assume the management of his own estate ;

A bill to be entitled An act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River.

J. T. BAISDEN,
Chairman.

The following message from the Senate was read :

SENATE CHAMBER, }
December 13, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills and resolution, viz :

House bill to be entitled An act to restore the force and operation of the General Laws of this State, in relation to the migration of free persons of color into this State ;

House bill to be entitled An act to authorize Jackson Lee of Hamilton County, to assume the management of his own estate ;

House bill to be entitled An act to legitimize Lucinda Read, and to make her the heir at law of William M. Read of the County of Hamilton, Florida ;

A bill for the relief of John B. Anderson ;

A bill to be entitled An act to allow the Supreme and Circuit Courts to hold extra terms ;

A bill to be entitled An act in relation to Evidence ;

A bill to establish a Ferry at Brown's Ferry in Jackson County ;

A bill to be entitled An act to prevent fraudulent voting ;

A bill to be entitled An act explanatory of the several acts in relation to the migration of free persons of color into the port of Key West ;

A bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ;

A resolution in relation to the payment of the members of the Board of Internal Improvement.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House Bills be enrolled, and the Senate bills and Resolution be placed among the orders of the day.

ORDERS OF THE DAY.

A bill to be entitled An act to repeal the fifth clause of the sixth article of the Constitution of this State;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act in relation to Dower;

Was read the second time and referred to the Judiciary Committee.

A bill to be entitled An act concerning the retailing of spirituous liquors;

Was read the second time, and referred to the Committee on Finance and Public Accounts.

The rule being waived, Mr. Galbraith introduced a bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State;

Which was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled An act to empower Malcolm Nicholson, a minor, to assume the management of his own estate;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Neel, Parsons, Pefn, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Wall—27.

Nays—Messrs. Dewitt, Langford and Taylor—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize B. T. Jordan to build a bridge across the Suwannee River and for other purposes;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall, Whitehurst and Zeigler—31.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848 ;

Was read the second time, and on motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Shine in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its chairman, reported progress, and asked leave to sit again ;

Which report was received, and leave granted.

Senate bill to be entitled An act to repeal an act entitled An act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, so far as relates to the County of Santa Rosa ;

Was read a second time, and the rule being waived, read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Dewitt, Dismukes, Dummett, Fennell, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Presscott, Rowley, Shine, Taylor, Thompson of Santa Rosa, Wall, Whitehurst and Zeigler—31.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to amend an act in relation to Pilotage at the Port of Key West ;

Was read a second time.

Mr. Jones, of Monroe, moved that the rules be waived to permit the bill to be read a third time ;

Which motion was lost.

The bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled An act for the relief of John B. Anderson, of Jackson County ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to allow the Supreme and Circuit Courts of this State to hold extra terms whenever the regular terms cannot be safely held in consequence of the prevalence of any contagious disease, at the time and place, or places, appointed by law for holding the regular terms ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate Bill to be entitled An act in relation to Evidence ;

Was read the first time, and ordered to be read a second time on to-morrow.

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Senate bill to be entitled An act to establish a ferry at Brown's ferry, in Jackson County ;

Was read the first time, and ordered to be read a second time on to-morrow,

Senate bill to be entitled An act to prevent Fraudulent Voting;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled, An Act explanatory of the several Acts in relation to the migration of free persons of color into the Port of Key West ;

Was read the first time.

On motion of Mr. Pope, the rules were waived, and said bill was read a second time by its title.

Mr. Rowley moved that the rules be waived, and said bill be read a third time.

The Speaker put the question, " Shall the rules be waived ?" and upon a *viva voce* vote, the Speaker decided that the House had voted in the negative.

Mr. Rowley called for a division of the House.

The Speaker decided that after a decision of the vote by the chair, a call for a division is out of order, from which decision Mr. Rowley appealed.

Upon the question, " shall the decision of the Chair be sustained ?" the House voted to sustain the decision of the Chair.

The bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled, An Act to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate resolution for payment of the Board of Internal Improvement ;

Was read the first time, and ordered to be read a second time on to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 14, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday's proceedings was read, amended and approved.

The following bills which had passed the House were transmitted to the Senate, viz :

Bill to be entitled, An Act to empower Malcolm Nicholson, a minor, to assume the management of his own estate ;

Bill to be entitled, An Act to authorize B. T. Jordon to build a bridge across the Suwannee River, and for other purposes; and

Senate bill to be entitled, An Act to repeal An Act entitled An Act in relation to a Road Tax in the Counties of Santa Rosa and Escambia, so far as it relates to the County of Santa Rosa;

Mr. Hollaman gave notice that he would on a future day, ask leave to introduce a bill for the relief of the citizens of Quincy.

Pursuant to previous notice, Mr. Shine introduced a bill to be entitled, An Act for the relief of William R. Hayward, and others;

Which was read the first time, and ordered for a second reading on to-morrow.

Pursuant to previous notice, Mr. Baisden introduced a bill to be entitled, An Act to amend An Act entitled An Act amendatory of the First Clause of the Sixth Article of the Constitution of this State;

Which was read the first time and ordered for a second reading on to-morrow.

Mr. Jones of Monroe moved that a Select Committee be appointed to ascertain why it is that the House is now paying to the printer elect fifty cents more per page than is paid to said printer by the Senate;

Upon which motion the yeas and nays were called by Messrs Jones of Monroe and Langford, and were as follows:

Yeas—Mr. Speaker, Messrs. Baisden, Bowers, Brown, Dismuke, Fennell, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Riviere, Shine, Speer, Thompson of Santa Rosa, Whitehurst and Zeigler—18.

Nays—Messrs. Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummitt, Galbraith, Harris, Haynes, Parsons, Pope, Prescott, Rowley, Taylor, Thompson of Levy, VanZant and Wall—19.

So the motion was lost.

Pursuant to previous notice, Mr. Dewitt, introduced a bill to be entitled, An Act to authorize Oliver Hearn to build a Toll Bridge across the Ocilla River;

Which was read the first time.

Mr. Dewitt moved that the rules be waived, to permit said bill to be read a second time;

Which motion was lost.

The bill was then ordered to be read a second time on to-morrow.

Mr. Bowers gave notice, that he would on some future day, ask leave to introduce a bill, making an appropriation out of the Internal-Improvement Fund for removing obstructions and clearing out East and Yellow Rivers, and Four Mile Creek, in the County of Walton.

Mr. Parsons presented petitions from 163 citizens of Hernando

County, asking the location of the county site of said county, at Bay Port;

Which were read and referred to a select committee, consisting of Messrs. Harris, Thompson of Levy, and Baisden.

The following communication from the Treasurer of this State was received and read :

TREASURER'S OFFICE,
TALLAHASSEE, December 13, 1854. }

To the Hon Speaker of the House of Representatives :

SIR:—Accompanying, herewith, I send a map of the United State, received from the late Comptroller, who informs me that it was purchased for the Representative Hall.

I am, very respectfully,

Your obedient Servant,

C. H. AUSTIN,

Treasurer.

Ordered that the Sergeant-at-Arms, hang the map, accompanying said letter, in some place in the Representative Hall, convenient for reference.

The following report was received and read :

The Committee on Enrolled Bills beg leave to report the following bills as correctly enrolled :

A bill to be entitled, An act to restore the force and operation of the General Laws of this State in relation to the migration of free persons of color into this State ;

A bill to be entitled An act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate ;

A bill to be entitled An act for the relief of Watson W. Leggett ;

A bill to be entitled An act to legitimize Lucinda Read, and to make her the heir at law of William M. Read, of the County of Hamilton,

Respectfully submitted,

J. T. BAISDEN,

Chairman.

Mr. Taylor, from the Committee on Corporations, to whom was referred a bill to be entitled An act to amend the act incorporating the city of St. Augustine, reported the same back to the House without amendment, and recommended its passage ;

Which report was received, and the bill placed among the orders of the day.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 12th, 1854. }

To the Hon. Speaker of the

House of Representatives :

SIR:—I respectfully nominate Thos. Shea, David Stow, Benja-

min Lucas, Daniel Pratt, and Robert Myers, as Auctioneers, in and for the County of Franklin ;

N. Baker, A. R. Allender, J. Milligan, Harry Swain, B. L. Turner, H. Harrison, sen., and James P. Penn, as Port Wardens, in and for the County of Franklin ;

Samuel Benezet, Robert Myers, William A. Kain, Francis A. Allender, and Benjamin Ellison as Commissioners of Pilotage, in and for the County of Franklin.

JAMES E. BROOME.

Which was read, and the nominations therein made advised and consented to.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 13, 1854. }

Hon W. F. RUSSELL, *Speaker of the*

House of Representatives :

SIR :—I inclose a communication from the Treasurer of the State, showing that the appropriations for criminal prosecutions, and for pay of Jurors and Witnesses, have been exhausted, and furnishing estimates for the probable outstanding balances.

I respectfully recommend that an early appropriation be made by the General Assembly to cover these outstanding balances.

JAMES E. BROOME.

Which was read, and the communication from the Treasurer accompanying the same, referred to the Committee on Finance and Public Accounts.

A message was received from the Senate announcing that Messrs. Long, Eppes and Brinson had been appointed a Committee on the part of the Senate to act with the Committee on the part of the House, for the purpose of drafting Joint Rules for the government of the two houses of the General Assembly.

The following message from the Senate was read :

SENATE CHAMBER,
December 14, 1854. }

Hon. *Speaker of the*

House of Representatives :

SIR :—The Senate has passed the following bills and resolution, viz :

A bill to be entitled An act governing Judges of Probate in certain cases ;

A bill to be entitled An Act to create a fifth Judicial Circuit ;

A bill to be entitled An act to incorporate the Tallahassee and Quincy Plank Road Company ;

House bill to be entitled An act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry on said River ;

House bill to be entitled An act to authorize Samuel A. Leonard to build a wharf in the city of Pensacola;

House bill to be entitled An act to authorize Stephen C. Gonzalez to build a wharf in the city of Pensacola;

House resolution asking that Picolata be made a Port of Delivery.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills and resolution be enrolled, and the Senate bills placed among the Orders of the Day.

ORDERS OF THE DAY.

The nominations made by His Excellency the Governor, in his Message of the 9th instant, were advised and consented to.

Senate resolution in relation to the election of certain officers therein named;

Was read the second time.

Mr. Dell moved that the resolution be indefinitely postponed, upon which motion the yeas and nays were called, and were as follows:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Jones of Monroe, Jones of Nassau, Parsons, Penn, Pope, Prescott, Speer, Taylor, Thompson of Levy, VanZant and Wall—26.

Nays—Messrs. Dismukes, Fennell, Haddock, Hollaman, Johnston, Langford, Nell, Riviere, Rowley, Shine, Whitehurst and Zeigler—12.

So the resolution was indefinitely postponed.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to incorporate a Bank in the Town of Jacksonville;

Came up on its second reading, and was postponed until Monday next.

A bill to be entitled An act to amend the Laws of this State relating to Gambling;

Was read the second time.

Mr. Jones, of Monroe, moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called, and were as follows:

Yeas—Messrs. Coombs, Dewett, Dummett, Galbraith, Johnston, Jones of Monroe, Parsons, Prescott, Rowley, VanZant and Zeigler—11.

Nays—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Dismukes, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Nas-

sau, Langford, Pope, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—20.

So the motion was lost.

On motion of Mr. Fennell, said bill was referred to the Committee on Propositions and Grievances.

A bill to be entitled an act authorizing and empowering A. J. Lea, administrator, to sell certain real estate therein specified ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Carter, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Rowley, Shine, Speer, Thompson of Santa Rosa, VanZant, Wall and Zeigler—29.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues ;

Was read the second time, and referred to the Committee on the Militia.

A bill to be entitled An act to repeal the Fifth Clause of the Sixth Article of the Constitution of this State ;

Was read the third time, and put upon its passage, upon which the vote was.

Yeas—Messrs. Dell, Dummett, Haddock, Haynes, Penn, and Prescott—6.

Nays—Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaives, Christie, Coombs, Dewitt, Dismukes, Fennell, Galbraith, Harris, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—30.

So the bill was lost.

Mr. Rowley moved that the House adjourn until to-morrow, 11 o'clock, A. M. ;

Which motion was lost.

On motion of Mr. Speer, the House adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 15, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of yesterday was read, amended, and approved.

A bill to be entitled An act authorizing and empowering A. J. Lea,

Administrator, to sell certain real estate therein specified, which had passed the House, was transmitted to the Senate.

On motion of Mr. Dell, Senate Resolution for the payment of the Board of Internal Improvement was placed first among the orders of the day.

Pursuant to previous notice, Mr. Hollaman introduced a bill to be entitled An act for the relief of the town of Quincy;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Fennell gave notice that he would on some future day, ask leave to introduce a bill making an appropriation out of the Internal Improvement Fund for removing obstructions out of the Choctawhatchie River.

Mr. Speer gave notice that he would on some future day, ask leave to introduce a bill to establish the county site of Orange County at Mellonville, until otherwise ordered by law.

The Committee on Engrossed and Enrolled Bills, reported as correctly enrolled, the following Bills and Resolutions, viz:

Resolution asking that Picolata be made a Port of Delivery;

A bill to be entitled An act to authorize Stephen C. Gonzalez to build a wharf in the city of Pensacola;

A bill to be entitled An act to authorize Samuel A. Leonard to build a wharf in the city of Pensacola;

A Resolution to declare Manatee a Port of Delivery.

The following report was received:

The Select Committee to whom was referred the Petition of A. T. Frierson, and one hundred and sixty-two other citizens of Hernando County, praying that the Court House of said County be permanently located at Bay Port, in said County, have had the same under consideration, and beg leave to

REPORT:

That they recommend that the prayer of said petitioners be granted, for which purpose, they herewith report to the House a bill, and recommend that it do pass.

W. S. HARRIS,
JAMES T. THOMPSON,
JOSIAH T. BAISDEN.

Which was read, and the accompanying bill read the first time, and ordered to be read a second time on to-morrow.

Mr. Dummett, from the Select Committee to whom was referred a bill to be entitled An act to organize the County of Volusia, reported said Bill back to the House without amendment, and recommended its passage;

Which report was received, and the bill placed among the orders of the day.

The following message from the Senate was read:

SENATE CHAMBER, }
December 15th, 1854. }

Hon. Speaker of the

House of Representatives :

SIR:—The Senate has passed the following bills, viz :

A Bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company ;

A Bill to be entitled An act to repeal An act amendatory of An act to establish a Mayor's Court in the city of Apalachicola ;

A Bill to be entitled An act to enforce the laws against the violations of the Sabbath day in Monroe County ;

A Bill to be entitled An act to authorize the drainage of the Alachua savannah ;

House Bill to be entitled An act for the relief of Dr. Algernon S. Speer and Arthur Ginn ;

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bill be enrolled, and the Senate bills be placed among the orders of the day.

The rule being waived, the following report was received :

The Committee on Finance, to whom was referred the communications of the Governor and Treasurer, respecting deficiencies in the appropriations for Criminal Prosecutions and State Witnesses and Jurors, beg leave to

REPORT:

That in order to sustain the credit of the State, it is important that the additional amount asked for be immediately appropriated, as the funds are in the treasury, but cannot be paid out but in pursuance of law. They, therefore, present a bill for this purpose, and ask your favorable action.

JOHN PARSONS,

Chairman Committee on Finance.

Which was read, and the accompanying bill read the first time, and ordered to be read a second time on to-morrow.

The following enrolled bills, which, having passed both Houses of the General Assembly, and had been signed by the presiding officers thereof, were transmitted to His Excellency the Governor for approval, viz :

An Act to authorize Henry Benner to establish a ferry across the Withlacoochee River ;

An Act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ;

An Act to authorize Allen Mondin to establish a toll bridge across the Withlacoochee River ;

An Act to authorize Andrew J. Smiley of Columbia County, a minor, to assume the management of his own estate;

An Act to restore the force and operation of the general laws of this State, in relation to the migration of free persons of color into this State;

An Act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate;

An Act for the relief of Watson W. Leggett;

An Act to legitimize Lucinda Read, and to make her the heir-at-law of William M. Read, of the County of Hamilton, Florida.

ORDERS OF THE DAY.

Senate Resolution for the payment of the Board of Internal Improvement;

Was read the second time, the rule waived, read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Dell, Dewitt, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall, Whitehurst and Zeigler 37.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State;

Was read the second time by its title.

Mr. Dell moved that 75 copies of said bill be printed;

Which motion was lost.

On motion, the bill was referred to the Committee on Agriculture.

Senate bill to be entitled An act to amend An act in relation to Pilotage at the Port of Key West;

Came up on its third reading, and was postponed until to-morrow.

A bill to be entitled An act to amend An act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Came up on its second reading.

The House in a Committee of the Whole resumed the consideration of said bill—Mr. Shine in the Chair.

After some time spent in consideration of said bill, the Committee rose, and by its Chairman, reported the same back to the House with amendments, and asked to be discharged;

Which report was received, the amendments concurred in, and the Committee discharged.

Ordered that the bill be engrossed for a third reading on to-morrow.

Senate bill to be entitled An act for the relief of John B. Anderson ;

Was read the second time, and ordered for a third reading on to-morrow.

Senate bill to be entitled An act to allow the Supreme and Circuit Courts to hold extra terms ;

Was read the second time, and ordered for a third reading on to-morrow.

Senate bill to be entitled An act in relation to Evidence ;

Was read the second time.

Mr. Penn moved that 75 copies thereof be printed ;

Which motion was lost.

The bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to establish a Ferry at Brown's Ferry in Jackson County ;

Was read the second time.

Mr. Rowley moved that the rules be waived to permit him to make a motion ;

Upon the question of waiving the rules, the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Galbraith, Harris, Haynes, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Thompson of Levy, Thompson of Santa Rosa and Wall—20.

Nays—Messrs. Dell, Hollaman, Rowley, Shine, VanZant, Whitehurst and Zeigler—7.

So the House refused to waive the rules, three-fourths of the members present not voting therefor.

Said bill was ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to prevent fraudulent voting ;

Was read the second time, and referred to the Committee on Elections.

Senate bill to be entitled An Act explanatory of the several Acts in relation to the migration of free persons of color into the Port of Key West ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bowers, Coombs, Fennell, Jones of Monroe, and Jones of Nassau—5.

Nays—Mr. Speaker, Messrs Brown, Chaires, Dell, Dewitt, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall, Whitehurst and Zeigler—29.

So said bill was lost.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An Act to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ;

Was read the second time, and referred to the Judiciary Committee.

Senate bill to be entitled An Act governing Judges of Probates in certain cases ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An Act to create a fifth Judicial Circuit ;

Was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled An Act to incorporate the Tallahassee and Quincy Plank Road Company ;

Was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled An Act for the relief of William R. Hayward and others ;

Came up on its second reading, and was postponed until to-morrow.

A bill to be entitled An Act to amend An Act entitled An Act amendatory of the First Clause of the Sixth Article of the Constitution of this State ;

Was read the second time, and on motion of Mr. Pope the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Galbraith in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman reported the bill back to the House, with all after the enacting clause stricken out.

Which report was received.

Mr. Rowley moved that the bill be indefinitely postponed.

Upon which motion the yeas and nays were called, and were as follows :

Yeas—Mr. Speaker, Messrs. Bowers, Brown, Carter, Chaires, Coombs, Dewitt, Dismukes, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Parsons, Penn, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa, Wall, Whitehurst and Zeigler—26.

Nays—Messrs. Baisden, Dell, Fennell, Haynes, Langford, Neel, Pope, Prescott, Thompson of Levy and VanZant—10.

So the bill was indefinitely postponed.

A bill to be entitled An Act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

Was read the second time, and ordered to be read a third time on tomorrow.

A bill to be entitled An Act to organize the County of Volusia ;

Was read the second time by its title, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An Act to repeal Section 4 of An Act amendatory of An Act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 4th, 1853 ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An Act to enforce the laws against violations of the Sabbath day in Monroe County ;

Was read the first time, and ordered to be read a second time on to-morrow.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, December 16, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

Senate Resolution to provide for the payment of the Board of Internal Improvement, which had passed the House without amendment, was transmitted to the Senate.

The following Enrolled Bills and Resolutions, which had passed both Houses of the General Assembly, and had been signed by the presiding officers thereof, were transmitted for approval to his Excellency the Governor, viz :

An Act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola ;

An Act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola ;

A Resolution to declare Manatee a Port of Delivery ; and

A Resolution asking that Picolata be made a Port of Delivery.

Mr. Thompson, of Levy, gave notice that he would, on some future day, ask leave to introduce a bill to extend the time granted George H. Tresper to establish a ferry on the Suwannee River, and for other purposes ; also

A bill to amend Article Fourteenth of the Constitution of Florida, by striking out the second Section thereof.

Mr. Baisden gave notice that he would, on some future day, ask leave to introduce a bill to be entitled, An act to Incorporate the Suwannee, Santafee and Gulf Navigation Company.

On motion of Mr. Galbraith, a Committee of three was appointed, consisting of Messrs. Galbraith, Dell and Speer, to wait on the Senate and ask the return of Senate Resolutions for the payment of the

Board of Internal Improvement, which had passed the House on yesterday :

Said Committee having waited upon the Senate, returned, and reported they had performed the duty assigned them.

Pursuant to previous notice, Mr. Pope introduced a bill to be entitled, An act for the relief of George Bell ;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Taylor gave notice that he would, on some future day, ask leave to introduce a bill granting pre-emptions to settlers on State Lands lying on the disputed boundary line between Florida and Georgia.

A Committee from the Senate returned to the House Senate Resolution to provide for the payment of the Board of Internal Improvement ;

On motion of Mr. Pope, the vote upon the adoption of said Resolution was reconsidered.

On motion, the Resolution was placed first among the Orders of the Day.

Mr. Bellamy moved that a Committee of three be appointed to inform the Senate that the House will be ready to go into an election of a United States Senator to-day, at 12 o'clock, M., and ask the concurrence of the Senate ;

Which motion was agreed to, and Messrs. Bellamy, Speer and Parsons were appointed said Committee.

Said Committee having waited upon the Senate, returned and reported that they had performed the duty assigned them.

Mr. Dell presented a petition from sundry citizens of East Florida, praying the passage of a law to provide for the drainage of the Alachua Savannah ;

Which was ordered to be placed with the bill already introduced for that purpose.

The following Report was received and read :

The Committee on Enrolled Bills ask leave to report the following bills as correctly enrolled :

A bill to be entitled, An Act for the relief of Doct. Algernon S. Speer and Arthur Ginn.

A bill to be entitled, An Act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry on said river.

Respectfully submitted,

J. T. BAISDEN,
Chairman.

The following Report was received and read :

The Joint Select Committee appointed to draft and report Joint Rules of the General Assembly, having conferred together and considered the subject, beg leave to report the following :

JOINT RULES OF THE GENERAL ASSEMBLY.

RULE 1. Messages from either House to the other shall be sent by such persons as a sense of propriety in each House may determine.

2. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the House of Representatives, or by the Secretary of the Senate, as the bill may have originated in one or the other House.

3. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same may have passed.

4. When a bill or resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without notice of ten days, and leave of two-thirds of that House in which it shall be moved.

5. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

6. No bill that shall have passed one House shall be sent for concurrence to the other on either of the last three days of the session.

7. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

8. When elections are required to be made by joint vote of the two Houses, the time of electing shall be previously agreed upon, and each House shall communicate the nominations made therein to the other prior to the voting.

9. Each House shall communicate to the other the nominations and the result of each voting.

10. In every Joint Committee, the member first named on the part of the House first proposing such Committee, shall convene the same.

11. During the election of officers, there shall be no motions entertained except to adjourn, to proceed to vote, to nominate and to withdraw a candidate, which motions shall have precedence in the order they stand.

12. The doings throughout shall proceed without debate.

13. Communications shall be made on paper, and signed by the Secretary of each House, and transmitted by the Messenger or Door-Keeper.

14. In every case of disagreement between the Senate and House of Representatives, either House may suggest conference, and appoint a Committee for that purpose, and the other House shall also appoint a Committee to confer, at a convenient hour, to be designated by the Chairman; said Committee shall meet and confer freely on the subject of disagreement.

15. Whenever a public bill or resolution is ordered to be printed for the use of either House, a number shall be ordered sufficient for the use of both Houses; and it shall be the duty of the Secretary of

the Senate, or Clerk of the House, as the case may be, to inform the other House of such order, and to transmit to that House the requisite number of printed copies.

Respectfully submitted,

M. A. LONG,
Chairman on part of Senate.
PHILIP DELL,
Chairman on part of House.

On motion, said Joint Rules were adopted.

Ordered, that the same be certified to the Senate.

The following Message from the Senate was read :

SENATE CHAMBER, December 16, 1854.

Hon. Speaker of the

House of Representatives :

Sir :—The Senate has passed the following Bills, viz :

House Bill to be entitled, An Act for the relief of Henry Christy and Theophilus Higginbotham.

House Bill to be entitled, An Act to empower Malcolm Nicholson, a minor, to assume the management of his own estate.

House Bill to be entitled, An Act for the relief of Jose Vigil.

A Bill to be entitled, An Act in relation to a Road Tax in the Counties of Putnam and Marion.

A Bill to be entitled, An Act in relation to Slaves and Free Persons of color.

A Bill to be entitled, An Act for the relief of Doct. C. A. Hentz.

Very respectfully,

D. G. LIVINGSTON,
Secretary of Senate.

Ordered, that the House Bills be enrolled, and the Senate Bills be placed among the Orders of the Day.

ORDERS OF THE DAY.

Senate Resolution for payment of the Board of Internal Improvement ;

Came up on its third reading.

On motion, the vote ordering said Resolution to be read a third time was reconsidered, and said Resolution was placed on its second reading.

Mr. Pope moved to amend said Resolution by adding the following :

Be it further resolved, That upon the Comptroller auditing said claims, it shall be the duty of the Treasurer to pay the same out of the Internal Improvement Fund ; *Provided*, said amount so paid shall be returned to said fund whenever any money shall come into the Treasury, resulting from the sale of Swamp Lands.

Which motion was agreed to and said amendment adopted.

Mr. Rowley moved to amend the Resolution by adding the following:

Be it further resolved, That from and after the passage of this Resolution, all laws which established the Board of Internal Improvement are hereby repealed.

Upon which motion the yeas and nays were called by Messrs. Rowley and Langford, and were as follows:

Yeas—Messrs. Bowers, Fennell, Jones of Nassau, Langford, Neel, Riviere, Rowley and Thompson of Santa Rosa—8.

Nays—Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Parsons, Penn, Pope, Prescott, Shine, Speer, Taylor, Thompson of Levy, VanZant, Wall and Whitehurst—27.

So the House refused to adopt said amendment.

Mr. Rowley moved that the Resolution be laid upon the table, which motion was lost.

Mr. Pope moved that the rules be waived, and the Resolution be read a third time, and put upon its passage, upon which motion the vote was:

Yeas—Messrs. Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Neel, Parsons, Penn, Pope, Prescott, Riviere, Shine, Speer, Taylor, Thompson of Levy, VanZant, Wall and Whitehurst—29.

Nays—Messrs. Bowers, Langford, Rowley and Thompson of Santa Rosa—4.

So the motion was agreed to, four-fifths of the members voting therefor, and said Resolution was read the third time as amended, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Carter, Chaires, Coombs, Dell, Dewitt, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Shine, Speer, Taylor, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—31.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled An Act to amend An Act in relation to the Pilotage of the Port of Key West;

Came up on its third reading.

On motion, the rules were waived, and said Bill was referred to a Select Committee, consisting of Messrs. Jones of Monroe, Parsons and Speer.

A Bill to be entitled An Act for the relief of the Town of Quincy;

Was read the second time, and ordered to be read a third time on Tuesday next.

12 H

A Committee from the Senate informed the House that the Senate had concurred in the motion to go into the election of a United States Senator at 12 o'clock.

A Bill to be entitled An Act to permanently locate the Court House of Hernando County;

Was read the second time, and ordered to be read a third time on Monday next.

A Bill to be entitled An Act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854;

Was read the second time, and ordered to be read a third time on Monday next.

A Bill to be entitled An Act to amend An Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Was read the third time.

On motion of Mr. Pope, a call of the House was ordered.

Upon calling the roll, the following members were absent, viz:

Messrs. Baisden, Brown, Christie, Dell, Dismukes, Haddock, Langford, Porter, Shine, VanZant and Zeigler.

On motion of Mr. Pope, the Sergeant-at-Arms was directed to request the appearance of the absentees.

The roll being again called, the following members were absent, viz: Messrs. Brown, Dismukes, Porter and Zeigler.

On motion of Mr. Fennell, further proceedings under the call were dispensed with.

The Bill was then put upon its passage, upon which the vote was:
Yeas—Messrs. Baisden, Bellamy, Bowers, Carter, Chaires, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—31.

Nays—Mr. Taylor—1.

So the Bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled, An Act for the relief of John B. Anderson;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Bowers, Carter, Chaires, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Riviere, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—27.

Nays—Messrs. Coombs, Dewitt, Harris, Haynes and VanZant—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rules being waived to permit Mr. Rowley to make a motion, Mr. Rowley moved that the Sergeant-at-Arms be instructed to inform persons within and without the bar that smoking is not permitted in the Representative Hall during the sitting of the House;

Which motion was lost.

On motion of Mr. Dell, the House took a recess of ten minutes.

At the expiration of ten minutes, the House resumed its session.

The roll being called, there was a quorum present.

On motion of Mr. Carter, a Committee of three was appointed, consisting of Messrs. Carter, Shine and Parsons, to inform the Senate that the House was then ready to proceed to the election of a United States Senator.

Said Committee having waited upon the Senate, returned, and reported that they had performed the duty assigned them.

The Senate entered the Hall:

The President of the Senate, by invitation of the Speaker, took the Chair.

The President declared the object of the joint meeting to be the election of a United States Senator, and announced that nominations were in order.

Mr. Long (of the Senate,) nominated David L. Yulee.

Mr. Hollaman (of the House) nominated Thomas Brown.

The vote was:

FOR YULEE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Coue, Crigler, Filor, Hawes, Kilcrease, Long and Provence—10.

House.—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dewitt, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Prescott, Taylor, Thompson of Levy, VanZant and Wall—21. Total—31.

FOR BROWN.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—7.

House.—Messrs. Bowers, Brown, Fennell, Haddock, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Riviére, Shine, Speer and Thompson of Santa Rosa—14. Total 21

BLANK.—*Senate*—Mr. Wynn—1.

House.—Mr. Rowley—1. Total 2.

The President declared David L. Yulee duly elected United States States Senator for six years from the fourth day of March next.

On motion, the Joint Meeting adjourned, and the Senate returned to their Chamber.

On motion of Mr. Parsons, a Committee of three was appointed, consisting of Messrs. Carter, Parsons and Bellamy, to act with a similar committee on the part of the Senate, to wait upon the Hon. David L. Yulee, Senator elect, and inform him of his election.

On motion, the House adjourned until Monday morning, 10 o'clock.

MONDAY, December 18, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the Journal of Saturday was read, amended and approved.

The following Bills and Resolution, which had passed the House, were transmitted to the Senate, viz :

Bill to be entitled An Act to amend An Act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848;

Senate Bill to be entitled An Act for the relief of John B. Anderson; and

Senate Resolution for payment of the Board of Internal Improvement.

The following communication was addressed to His Excellency the Governor :

HOUSE OF REPRESENTATIVES, }
December 18, 1854. }

His Excellency JAMES E. BROOME,

Governor of the State of Florida :

SIR :—We have the honor to inform your Excellency that at a joint meeting of the General Assembly, held on the 16th inst, for the purpose of electing a United States Senator for six years from the fourth day of March next, Mr. David L. Yulee was declared duly elected United States Senator for the term aforesaid.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.
HUGH A. CORLEY,
Clerk Ho. Reps.

On motion of Mr. Penn, leave of absence was granted to Mr. Neel until to-morrow.

Mr. Langford gave notice that he would, on some future day, ask leave to introduce a Bill for the relief of John Sapp, of Madison County, Florida.

Mr. Harris gave notice that he would, on some future day, ask leave to introduce a bill to be entitled An Act for the relief of William R. Friar, of Marion County.

Pursuant to previous notice, Mr. Carter introduced a Bill to be entitled An Act to authorize County Commissioners to grant Licenses to retail Spirituous and Vinous Liquors, and for other purposes;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Brown introduced a Bill to be entitled An Act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Taylor introduced a Bill to be entitled An Act to grant Pre-emptions to Settlers on the State Lands lying on the disputed Boundary Line between Florida and Georgia;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Parsons introduced the following Bills, viz;

A bill to be entitled An act in relation to Pilstage at the Port of Bay Port; and

A bill to be entitled An act to unite the offices of Sheriff and Tax-Assessor and Collector, in Hernando County;

Which were read the first time, and ordered to be read the second time on to-morrow.

Mr. Prescott presented a petition from 125 citizens of Duval County, asking that said County be divided and a new county established out of a portion thereof;

Which was read, and referred to a select committee consisting of Messrs. Prescott, Baisden and Wall.

Mr. Penn presented a petition from sundry citizens of Apalachicola, asking the passage of An act to improve the Harbor and Bay of Apalachicola;

Which was read.

The rule being waived, Mr. Penn introduced a bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Carter offered the following resolution :

Resolved, That the Comptroller be requested to furnish the House of Representatives a statement of the amount of scrip issued under the act of the last General Assembly, entitled An act to provide for the payment of Captain Sparkman's, Parker's, and other volunteer companies, for services in the year 1849, including the interest thereon, to the first day of January, 1855.

Which was adopted.

Mr. Carter offered a resolution to make Tampa a Port of Entry;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Carter offered a resolution relative to extra compensation of the Clerk in the office of the Comptroller of Public Accounts;

Which was read the first time, and ordered for a second reading on to-morrow.

Mr. Bowers offered a resolution making appropriations for the pur-

pose of clearing out the obstructions to the navigation of East and Yellow Rivers and Four Mile Creek in Walton County;

Which was read the first time, and ordered for a second reading on to-morrow.

The Committee on Militia, to whom was referred a resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, reported the same back to the House with an amendment;

Which report was received, and the resolution placed among the Orders of the Day.

The Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have examined the following bills and report the same as correctly Enrolled:

A bill to be entitled An act for the relief of Jose Vigil;

A bill to be entitled An act to authorize Malcom Nicholson, a minor, to assume the management of his own estate;

A bill to be entitled An act for the relief of Henry Christy and Theophilus Higginbotham.

Respectfully submitted,

J. T. BAISDEN,
Chairman.

Which was read.

The Select Committee, to whom was referred Senate bill entitled An act in relation to Pilotage at the Port of Key West, reported said bill back to the House with amendments;

Which report was received, and the bill placed among the Orders of the Day.

The following message from the Senate was read:

SENATE CHAMBER,
December 18, 1854. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has passed the following bills, viz:

A bill to be entitled An act to amend the act regulating Common Law Proceedings;

A bill to be entitled An act to repeal An act entitled An act to amend the several acts concerning License to retail Spirituous Liquors.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the bills be placed among the Orders of the Day.

The following bills which had passed both Houses were transmitted for approval to His Excellency the Governor, viz:

An act for the relief of Algernon S. Speer and Arthur Ginn;

An act to authorize James M. Cockroff to build a Toll Bridge

across East River in the County of Walton, at or near Cockroff's Ferry on said River.

On motion of Mr. Shine, a call of the House was ordered.

Upon calling the roll the following members were absent, viz :

Messrs. Bellamy, Chaires, Coombs, Dismukes, Hollaman, Johnston Neel, Penn, Pope, Porter, Whitehurst and Zeigler.

On motion of Mr. Shine, further proceedings under the call were dispensed with.

ORDERS OF THE DAY.

A bill to be entitled An Act to incorporate a Bank in the town of Jacksonville ;

Came up on its second reading, and was postponed and made the special Order of the Day for Wednesday next.

Senate bill to be entitled An Act to allow the Supreme and Circuit Courts to hold extra terms whenever the regular terms cannot be safely held, in consequence of the prevalence of any contagious disease at time and place, or places, appointed by law for holding the regular terms ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dewitt, Dummett, Fennell, Galbraith, Haddock, Jones of Nassau, Langford, Parsons, Prescott, Riviere, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—20.

Nays—Messrs. Dell, Harris, Haynes, Jones of Monroe, Shine, Speer and VanZant—7.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled, An act in relation to Evidence ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bowers, Brown, Carter, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Monroe, Jones of Nassau, Langford, Parsons, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—24.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An Act to establish Ferry at Brown's Ferry, in Jackson County ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Dell, Dewitt, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Langford, Parsons, Prescott, Reviere, Rowley, Shine, Speer,

Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—Mr. Jones of Monroe—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An Act governing Judges of Probates in certain cases;

Was read the second time, and referred to a Select Committee consisting of Messrs. Parsons, Shine and Carter.

Senate bill to be entitled, An Act to create a Fifth Judicial Circuit;

Was read the second time.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Shine in the Chair.

After some time spent in consideration thereof, the Committee rose and by its Chairman reported the bill back to the House.

On motion, said bill was referred to the Judiciary Committee.

Senate bill to be entitled An Act to incorporate the Tallahassee and Quincy Plank Road Company;

Was read the second time by its title, and referred to the Committee on Internal Improvements.

A bill to be entitled An Act for the relief of William R. Hayward and others;

Was read the second time.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said Bill, Mr. Parsons in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported the bill back to the House with amendments:

Which report was received.

Said bill was read the second time as amended.

Mr. Dell moved to amend said bill by striking out the words "to be paid out of any money in the Treasury not otherwise appropriated" at the end of the first Section, and adding said words to the end of the second Section;

Which amendment was agreed to.

On motion of Mr. Carter, the further consideration of said Bill was postponed until to-morrow.

The following message from his Excellency the Governor was read:

EXECUTIVE CHAMBER,
Tallahassee, December 15, 1854. }

HON. W. F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I have approved and signed the following Acts:

An act to authorize Henry Benner to establish a ferry across the Withlacoochee River;

An act to authorize Neil Monroe to establish a ferry across the Withlacoochee River ;

An act to authorize Allen Mondin to establish a Toll Bridge across the Withlacoochee River ;

An act to authorize Andrew J. Smiley of Columbia County, a minor, to assume the management of his own estate ;

An act to restore the force and operation of the General Laws of this State in relation to the migration of free persons of color into this State ;

An act to authorize Jackson Lee, of Hamilton County, to assume the management of his own estate ;

An act to legitimize Lucinda Read, and to make her heir at law of William M. Read, of the County of Hamilton, Florida.

JAMES E. BROOME.

Also the following :

EXECUTIVE CHAMBER, }
December 15, 1854. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I have approved and signed the following Bills and Resolutions :

An act to authorize Samuel A. Leonard to build a Wharf in the City of Pensacola ;

An act to authorize Stephen C. Gonzalez to build a Wharf in the City of Pensacola ;

A Resolution to declare Manatee a Port of Delivery.

A Resolution asking that Picolata be made a Port of Delivery.

JAMES E. BROOME.

Also the following :

EXECUTIVE CHAMBER, }
December 15, 1854. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I respectfully return, without approval, An act entitled "An act for the relief of Watson W. Leggett."

The Act proposes to relieve Watson W. Leggett from all liability on account of a certain Judgment obtained against him (by the State of Florida) as one of the Sureties on the Appearance Bond of Ashley Braswell. To my mind, there are insuperable objections as a matter of State policy, to the precedent which this act would establish. But without discussing these, it may be sufficient for me to rest my objections on the want of Constitutional Power in the General Assembly to pass such an Act.

The 2nd Article of the Constitution of this State distributes the powers of Government between the Legislative, Executive and Judicial Departments, and expressly declares that neither "shall exercise

any power properly belonging to either of the others, except in the instances expressly provided in this Constitution."

The power to remit fines and forfeitures, is conferred on the Governor, and may be found in the eleventh clause of the third article of the Constitution; and if this judgment is upon a forfeiture, which seems to be the case, it will hardly be doubted that the power of remission "properly belong," to the Executive, and not the Legislative Department of the Government.

Very respectfully,

Your obedient servant,

JAMES E. BROOME.

On motion, the consideration of the bill returned by His Excellency with his objections, was postponed until to-morrow.

A bill to be entitled An act to organize the County of Volusia;

Was read the third and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Monroe, Jones of Nassau, Parsons, Penn, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—25.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to repeal section 4 of An act amendatory of An act entitled An act to establish a Mayor's Court for the City of Apalachicola, approved January 5, 1853.

Was read the second time, and ordered for a third reading on to-morrow.

Senate bill to be entitled An act to enforce the laws against violations of the Sabbath day in Monroe County;

Was read the second time, and on motion of Mr. Penn, indefinitely postponed.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

Was read the first time by its title, and ordered to be read a second time on to-morrow.

A bill to be entitled An act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dell, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—24.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend the act incorporating the City of St. Augustine, approved February 4, 1833;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bowers, Brown, Carter, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to authorize the drainage of the Alachua Savannah;

Was read the first time by its title, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act for the relief of Dr. C. A. Hentz;

Was read the first time.

Mr. Rowley moved that the rules be waived to permit said bill to be read a second and third times and put upon its passage;

Which motion was lost.

The bill was then ordered to be read a second time on to-morrow.

Senate bill to be entitled An act in relation to slaves and free persons of color;

Was read the first time by its title, and ordered to be read a second time on to-morrow.

The rule being waived, Mr. Shine introduced a resolution authorizing the Governor to allow compensation to counsel employed in behalf of Florida in litigating the boundary line;

Which was read the first time and ordered to be read a second time on to-morrow.

Mr. Jones of Monroe moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which motion was lost.

Senate bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion;

Was read the first time and ordered to be read a second time on to-morrow.

A bill to be entitled An act for the relief of George Bell;

Was read the second time, and referred to the Committee on Propositions and Grievances.

Mr. Carter moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which motion was lost.

Mr. Speer moved that the House adjourn until to-morrow, 9 o'clock, A. M. ;

Which motion was lost.

On motion of Mr. Penn, the House adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, December 19, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, Mr. Fennell moved that the reading of the journal of yesterday be dispensed with;

Which motion was lost.

The Journal of yesterday was read and approved.

Mr. Russell gave notice that he would on some future day ask leave to introduce a Resolution relative to the duties of Grand Jurors, and for other purposes;

Mr. Dummètt gave notice that he would on some future day, ask leave to introduce a bill to be entitled An act to amend An act concerning Roads and Highways, now in force in this State.

Pursuant to previous notice, Mr. Rowley introduced a bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bar and Harbor of Pensacola;

Which was read the first time by its title, and ordered to be read a second time on to-morrow.

Mr. Shine gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to change the name of Charles J. Vincan and declare him the adopted son of James Green; also,

A bill to be entitled An act to authorize Thomas D. Sanders to assume the management of his own estate.

Pursuant to previous notice, Mr. Langford introduced a bill to be entitled An act for the relief of John Sapp of Madison County;

Which was read the first time, and ordered for a second reading on to-morrow.

On motion of Mr. Russell, the vote postponing indefinitely, Senate bill to be entitled An act to enforce the Laws against the violations of the Sabbath day in Monroe County, was re-considered, and said bill placed among the Orders of the Day.

Pursuant to previous notice, Mr. Carter introduced a Bill to be entitled, An Act authorizing the Governor to borrow money to redeem the outstanding State Script issued under the Act of the 7th of January, 1853;

Which was read the first time, and ordered to be read a second time on to-morrow.

On motion of Mr. Taylor, leave of absence was granted to Mr. Dewitt during the balance of the week.

Mr. Dell introduced a Resolution relative to reclaiming a slave from the Indians in Florida ;

Which was read the first time, and ordered to be read a second time on to-morrow.

ORDERS OF THE DAY.

The Message of His Excellency the Governor returning, with his objections, An act for the relief of Watson W. Leggett, was taken up, and the question being taken on the passage of said bill over the veto of the Governor, the vote was :

Yeas—Messrs. Brown, Carter, Jones of Monroe, Parsons and Prescott—5.

Nays—Messrs. Baisden, Bowers, Chaires, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Penn, Porter, Riviere, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—26.

So the Bill was lost.

A bill to be entitled An act for the relief of the town of Quincy ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Porter, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—30.

Nays—Mr. Thompson of Levy—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to permanently locate the Court House of Hernando County ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Penn, Porter, Prescott, Riviere, Rowley, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—26.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment

of Jurors and State Witnesses, for the fiscal years 1853 and 1854;
Was read the third time and put upon its passage, upon which
the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie,
Dismukes, Fennell, Galbraith, Haddock, Harris, Hollaman, Jones of
Monroe, Jones of Nassau, Langford, Parsons, Penn, Porter, Prescott,
Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of
Santa Rosa, VanZant, Wall and Whitehurst—28.

Nays—Mr. Dell—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A resolution authorizing the Governor to turn over sixty muskets
and accoutrements to the Florida Independent Blues ;

Was read the second time.

The amendment proposed to said resolution by the Committee
on Militia was agreed to.

Said resolution was then ordered to be engrossed for a third read-
ing on to-morrow.

The following message from the Senate was read :

SENATE CHAMBER, Dec. 19, 1854.

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills, viz :

House bill to be entitled An act to authorize B. T. Jordan to build
a Bridge across the Suwannee River, and for other purposes ;

A bill to be entitled An act to authorize William Webb to estab-
lish a ferry across Escambia Bay ;

A bill to be entitled An act to authorize Thomas H. Willis of Le-
on County, a minor, to assume the management of his own estate ;

A bill to be entitled An act granting certain lands to the Palatka
and Micanopy Plank Road Company ;

The Senate has concurred in the House amendment to Senate
resolution in relation to payment of the Internal Improvement Board ;

The Senate has indefinitely postponed House bill to be entitled
An act to authorize Andrew J. Lea, Administrator, to sell certain
real estate therein specified.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills passed by the Senate be enrolled,
and the Senate bills placed among the Orders of the Day.

The following message was received from his Excellency the Gov-
ernor :

EXECUTIVE CHAMBER, }
December 18th, 1854. }

To the Hon. WM. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I have approved and signed the following bills :

An Act for the relief of Algernon S. Speer and Arthur Ginn ;

An Act to authorize James M. Cockroff to erect a Toll Bridge across East River, in the County of Walton, at or near Cockroff's Ferry on said River.

JAMES E. BROOME.

Senate bill to be entitled An act to amend An act in relation to Pilotage at the Port of Key West ;

Was read the second time, and postponed until Thursday next.

Senate bill to be entitled An act to repeal An act entitled An act to amend the several acts concerning Licences to retail Spirituous Liquors ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to amend the Act regulating Common Law proceedings ;

Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled An act to authorize County Commissioners to grant Licenses to retail spirituous and vinous liquors, and for other purposes ;

Was read the second time.

Mr. Carter moved to amend said bill by striking out the words "which shall be paid out of the County Treasury," at the end of the 6th section ;

Which amendment was agreed to.

On motion, 75 copies of said bill were ordered to be printed.

A bill to be entitled An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to grant pre-emptions to settlers on State Lands lying on the disputed boundary line between Florida and Georgia ;

Was read the second time, and referred to the Committee on State Lands.

A Committee from the Senate requested the return to the Senate, of a bill to be entitled An act to authorize Andrew J. Lea, administrator, to sell certain real estate therein specified.

On motion, a Committee of three was appointed, consisting of Messrs. Rowley, Dell and Penn, to return said bill to the Senate.

A bill to be entitled An act in relation to Pilotage at the Port of Bayport ;

Was read the second time, and ordered for a third reading on to-morrow.

A bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando County ;

Was read the second time.

Mr. Rowley moved to amend said bill by inserting the words "and Escambia" after the word "Hernando";

Which amendment was agreed to.

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola;

Was read the second time, and ordered to be read a third time on to-morrow.

A resolution asking that Tampa be made a Port of Entry;

Was read the second time, and ordered to be read a third time on to-morrow.

A resolution relative to extra compensation of the Clerk in the office of the Comptroller of Public Accounts;

Was read the second time, and ordered to be read a third time on to-morrow.

A resolution making appropriations for the purpose of clearing out the obstructions to the navigation of East and Yellow Rivers and Four Mile Creek in Walton County;

Was read the second time, and referred to the Committee on Propositions and Grievances.

A bill to be entitled, An Act for the relief of William R. Hayward and others;

Came up on its second reading.

Mr. Carter moved to amend said bill by inserting in the second Section the words "to Dr. S. F. Jones, 25 dollars;"

Which amendment was agreed to.

Mr. Hollaman moved that said bill be referred to the Committee on Finance and Public Accounts;

Which motion was lost.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Senate bill to be entitled, An Act to repeal Section 4, of An Act amendatory of An Act entitled An Act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5, 1853;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bowers, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Porter, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant Wall and Whitehurst—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The following Bills which had passed both Houses were transmitted to his Excellency the Governor, viz:

A bill to be entitled An act for the relief of Jose Vigil ;

A bill to be entitled An act to authorize Malcolm Nicholson, a minor, to assume the management of his own estate ;

A bill to be entitled An act for the relief Henry Christy and Theophilus Higginbotham.

Senate bill to be entitled An act to enforce the Laws against the violations of the Sabbath Day in Monroe County ;

Came up on its second reading.

Mr. Parsons moved that the bill be laid upon the table, upon which motion the yeas and nays were called by Messrs. Russell and Whitehurst and were as follows :

Yeas—Messrs. Baisden, Dell, Haynes, Jones of Nassau, Parsons, Penn, Rowley and VanZant—8.

Nays—Mr. Speaker, Messrs. Bowers, Brown, Carter, Chaires, Christie, Coombs, Dismukes, Dummett, Fennell, Galbraith, Had-dock, Harris, Hollaman, Jones of Monroe, Langford, Porter, Prescott, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—24.

So the House refused to lay the bill on the table.

Mr. Parsons moved that 75 copies of the bill be printed ;

Which motion was lost.

The bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled, An act to incorporate the Palatka and Micanopy Plank Road Company ;

Was read the second time, and referred to the Committee on Internal Improvements.

Senate Bill to be entitled An act for the relief of Dr. C. A. Hentz ;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act in relation to slaves and free persons of color ;

Was read the second time, and referred to the Judiciary Committee.

Resolution relative to the payment of counsel employed in litigating the Boundary question between the States of Florida and Georgia ;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion ;

Was read the second time, and ordered to be read a third time on to morrow.

Senate bill to be entitled An Act to authorize William Webb to establish a Ferry across Escambia Bay ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company ;

Was read the first time.

On motion, the rule was waived and said bill was read the second time by its title.

On motion, the vote referring Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company to the Committee on Internal Improvements, was re-considered.

On motion 75 copies of Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company, and Senate Bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company, were ordered to be printed.

On motion of Mr. Dummett, said bills were referred to a Select Committee, consisting of Messrs. Dummett, Carter, Dell, Chaires and Parsons.

On motion, leave of absence was granted to Mr. Whitehurst until the 5th of January.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, December 20, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the reading of the Journal of yesterday's proceedings was dispensed with.

The following bills which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act to amend the act incorporating the City of St. Augustine, approved February 4, 1833 ;

Bill to be entitled An act to organize the County of Volusia ;

Bill to be entitled An act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

Senate bill to be entitled An act to establish a ferry at Brown's ferry, in Jackson County ;

Senate bill to be entitled An act to allow the Supreme and Circuit Courts of this State to hold extra terms whenever the regular terms cannot be safely held, in consequence of the prevalence of any contagious disease, at the time and place, or places, appointed by law for holding the regular terms ;

Senate bill to be entitled An act in relation to Evidence ;

Senate bill to be entitled An act to repeal Section 4 of An act amendatory of An act entitled an act to establish and organize a Mayor's Court for the City of Apalachicola, approved January 5th, 1853;

A bill to be entitled An act for the relief of the Town of Quincy;
A bill to be entitled An act to permanently locate the Court House of Hernando County; and

A bill to be entitled, An act making additional appropriations to defray the expenses of criminal prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854.

Pursuant to previous notice, Mr. Galbraith introduced a Resolution asking Congress to declare Indian River a Port of Delivery;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Galbraith introduced a bill to be entitled An Act to incorporate Leon Lodge No 5, I. O. O. F.;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Thompson of Levy introduced a bill to be entitled An act to amend the fourteenth article of the Constitution on Amendments and Revision of the Constitution;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Thompson of Levy, introduced a bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Shine gave notice that he would on some future day, ask leave to introduce a bill to be entitled An act to authorize A. J. Peel-er to practice law in the several Courts of this State.

On motion of Mr. Hollaman, Senate Resolution designating the day for the adjournment of the General Assembly, was taken from the table and placed among the Orders of the Day.

The following report was received and read:

The Committee on Propositions and Grievances, to whom was referred a bill to be entitled An act to amend the laws of this State relating to Gambling, having had the same under consideration, beg leave to

REPORT:

That they consider the words "in any private house or other place" as objectionable, and therefore report against its passage.

All of which is respectfully submitted,

J. P. PENN,
Chairman.

Messrs. Bowers and Christie, members of said Committee, dissented from said Report.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read:

The Committee on Propositions and Grievances, to whom was referred a bill entitled An act for the relief of George Bell, having considered the same, beg leave to

REPORT:

That they consider the case of George Bell a peculiarly hard one, but have some doubts as to the Constitutionality of the bill before them; but should it not conflict with the Constitution of the State, would report in favor of the passage of said bill.

All of which is respectfully submitted.

J. P. PENN,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read:

The Committee on Propositions and Grievances, to whom was referred a Resolution making appropriation for the purpose of clearing out the obstructions to the navigation of East and Yellow Rivers and Four Mile Creek, beg leave to

REPORT:

That they have considered the Resolution, and think it should not be passed.

All of which is respectfully submitted,

J. P. PENN,
Chairman.

Mr. Bowers, amember of said Committee, dissented from said Report.

Ordered that the resolution be placed among the Orders of the Day.

The following report was received and read:

The Committee on the State of the Capitol beg leave to

REPORT:

That they have made an examination of the building and would respectfully recommend that the following repairs and additions be made: First that the building be painted, and the plastering repaired on the inside. That the porticoes be sealed or plastered, and that comfortable seats be provided in the Senate and Representative Hall for public accommodation; and that such other repairs be made as the Governor and Treasurer may deem necessary.

Your Committee recommend that the sum of fifteen hundred dollars be appropriated for the purpose of defraying the expenses of re-

pairing the Capitol, to be placed in the hands of the Governor and Treasurer for that purpose.

Your Committee submit a resolution for these purposes.

JOS. B. CHRISTIE.

The accompanying resolution was read the first time, and ordered to be read a second time on to-morrow.

The following bills were received from the Senate as having passed that body, viz:

Senate bill to be entitled An act to provide for the payment of the expenses of Criminal Prosecutions, and for other purposes;

Senate bill to be entitled An act to grant pre-emptions on School Lands; and

Senate bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company.

Ordered that said bills be placed among the Orders of the Day.

The following report was received and read:

The Select Committee to which was referred a petition from a portion of this State known as the Brandy Branch Neighborhood, in Duval and Nassau Counties, have had the same under consideration, and ask leave to

REPORT:

That the grievance complained of by the petitioners is one which properly calls for the action of this Assembly. The facts set forth in the Petition are these: The Brandy Branch Neighborhood is believed to be partly in Duval and partly in Nassau Counties. By an examination of the laws defining the boundary lines of these two Counties, it will be discovered that there is a conflict in the lines as there laid down. The boundary lines of neither of these Counties have ever been run in this quarter, and the citizens residing in this Neighborhood are in a state of uncertainty on the subject, which is a serious grievance, and should be remedied. Your Committee can see no other remedy for the grievance but by an act re-declaring and defining the boundary line of Duval and Nassau Counties and providing for its being properly run. They have consequently prepared a bill for this purpose, which accompanies this report.

The prayer of the petitioners, that a new boundary line be established between the two counties, which will throw the whole neighborhood into Duval County, your Committee do not deem expedient to be granted. Although the fact set forth that the neighborhood is more conveniently situated to the County Site of Duval than that of Nassau, may be true, yet your Committee cannot recommend any action that would dismember Nassau County.

All of which is respectfully submitted,

MILTON HAYNES,
J. B. GALBRAITH,
GILES BOWERS.

The accompanying bill to be entitled An act to define the boundary lines of Duval and Nassau Counties ;

Was read the first time, and ordered for a second reading on to-morrow.

The following communication from the Comptroller of Public Accounts was read :

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE, }
CAPITOL, TALLAHASSEE, FLORIDA, December 20th, 1854. }

Hon. W. F. RUSSELL,

Speaker of the

House of Representatives :

SIR:—In compliance with a Resolution of the House of Representatives, the Comptroller communicates the following information, viz :

In accordance with the provisions of " An Act to provide for the payment of Captain Sparkman's, Parker's, and other Volunteer Companies for services in the year 1849," approved January 7th, 1853, State Script has been issued to the amount of \$64,361 90
The interest on this amount up to first day of January, 1855, is 5,535 09

Principal and Interest

\$69,896 99

Very respectfully,

JAMES T. ARCHER,

Comptroller.

Ordered that 75 copies of said communication to be printed.

The following communication was received and read :

QUINCY, FLORIDA, }
December 18th, 1854. }

To the Hon. W. F. RUSSELL,

Speaker of the

House of Representatives :

SIR:—I hereby tender my resignation as member of the General Assembly from the County of Gadsden.

Yours, very respectfully,

N. D. ZEIGLER.

ORDERS OF THE DAY.

A bill to be entitled An act to incorporate a Bank in the town of Jacksonville ;

Came up on its second reading.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Parsons in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman reported progress and asked leave to sit again.

Which report was received and leave granted.

The following Message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 20, 1854. }

Hon W. F. RUSSELL, *Speaker of the*
House of Representatives :

SIR :—I respectively nominate Herod K. Doles as Auctioneer in and for the County of Calhoun.

JAMES E. BROOME.

Which was read and the nomination therein contained advised and consented to.

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola ;

Came up in order.

Mr. Parsons moved that the bill be read by its title ;

Which motion was lost.

The bill was then read the second time.

Mr. Shine moved that said bill be referred to the Committee on Propositions and Grievances ;

Which motion was lost.

The bill was then ordered to be read a third time on to-morrow.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, December 16, 1854. }

Fellow-Citizens of the Senate
and House of Representatives :

The suit which has been pending for some years in the Supreme Court of the United States, between the States of Georgia and Florida, to settle definitely the Boundary Line between the two States, has not yet been decided. At the last Term of the Court, an interlocutory decree was obtained, on the application of both parties, raising a Commission, to be composed of one Commissioner and one Surveyor on the part of each State, and to be named by the States respectively. They were required, "First, To run and mark a line from the confluence of the Flint and Chattahoochee Rivers to the Eastern terminus alleged by the complainant to have been determined by Ellicott and Minor, as Commissioners on the part of the United States and Spain, under the Treaty of San Lorenzo el Real ; Second, If they shall find such terminus not to be the true head or source of the St. Marys River, then to run and mark another line, from the confluence of the Flint and Chattahoochee, to the point which they shall ascertain to have been, at the date of the Treaty, such true head or source," &c. A copy of the interlocutory decree is herewith communicated, marked A. This interlocutory decree was, by the counsel of the respective States, and with the consent of Governor Johnson and myself, so far modified as to permit the work to begin at the point indi-

ated by Eliott and Minor as the head or source of the River. This was done with the hope that an actual examination would lead to a concurrence of opinion on the part of the Commissioners, and possibly save the expense of running one of the lines authorized by the Court. A copy of that modification is herewith communicated, marked B. The investigations, Surveys, Maps, &c., to be made by this Commission, were considered very important, and as no Session of the Legislature was to take place between the date of the decree and the time which it fixed for completing the work, filing the Reports, &c., I represented the State, under the Act approved December the 24th, 1850, by naming Col. Benjamin F. Whitner as the Commissioner, and Benjamin F. Whitner, Jr., as the Surveyor on the part of this State.

These gentlemen entered upon the discharge of the duties assigned them under circumstances of the most trying character, endangering health and life, and with a perseverance and ability worthy of better results, continued in the field until the work was arrested by the withdrawal of the Commissioner and Surveyor named by His Excellency the Governor of Georgia. For more particular information on this point, you are respectfully referred to the letter of His Excellency Governor Johnson, dated September the 14th, 1854, marked C., to my letter in reply dated September the 20th, 1854, marked D., and to the report of Col. Benjamin F. Whitner, dated September 18th, 1854, marked E., copies of which accompany this communication. In addition to these, you are respectfully referred to another communication of Col. Whitner, dated December the 8th, 1854, marked F., embracing a statement of expenses, and calling my attention to the subject of compensation. This is accompanied by an extract of a letter addressed by him to Major Allen, the Commissioner on the part of Georgia, dated September 25th, 1854, which will show the character of the services performed by the Surveyor on the part of Florida.

On the subject of compensation, I agreed with the Commissioner that the usual and even liberal compensation would be allowed, in consequence of the unpropitious season of the year, and the necessity for pressing the work forward to an early completion. On the same subject, I addressed a communication to the Surveyor, dated July the 8th, 1854, a copy of which is herewith transmitted, marked G., to which you are respectfully referred. The gentleman who had been selected by the United States to run the line between Alabama and Florida, was selected by me to run this line, and I stipulated that his compensation should have reference to the compensation received for that service. This I considered proper, because the United States, as the proprietor of the land on the whole route, would be expected, of course, to refund the expenses of the survey, and if they were made to conform to their own contract on the Alabama line, no difference could arise on that point.

Towards defraying the expenses of the Commission, procuring the outfit, &c., I advanced from the Contingent Fund nine hundred dollars, and now respectfully recommend an early appropriation, to cover such amounts as may be properly due, and remaining unpaid, on account of expense and compensation to the Commissioner and Surveyor.

JAMES E. BROOME.

Which was read, and together with the accompanying documents laid on the table.

A bill to be entitled An act for the relief of John Sapp of Marion County ;

Was read the second time and ordered to be read a third time on to-morrow.

Preamble and Resolutions relative to reclaiming a slave from the Indians in Florida.

Were read the second time and ordered to be read a third time on to-morrow;

Senate bill to be entitled An act to repeal an act entitled An act to amend the several acts concerning Licenses to retail Spirituous Liquors ;

Was read the second time.

Mr. Carter moved that said Bill be referred to the Committee on Finance and Public Accounts ;

Which motion was lost.

On motion of Mr. Carter, said bill was laid on the table.

Resolutions authorizing the Governor to turn over sixty muskets and accoutrements, to the Florida Independent Blues ;

Were read the third time and put upon their passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, and Wall —30.

Nays—None.

So the resolutions were adopted.

On motion of Mr. Dell, the title of said Resolutions was amended by adding the words "and others."

Ordered that the adoption of said resolutions be certified to the Senate.

A bill to be entitled, An Act to authorize County Commissioners to grant License to retail Spirituous Liquors, and for other purposes ; Came up on its second reading.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Rowley in the Chair.

After some time spent in consideration thereof, the Committee

15 H

rose, and by its Chairman, reported the bill back to the House with all after the enacting clause stricken out.

On motion, said bill was indefinitely postponed.

Senate bill to be entitled; An act to amend the act regulating Common Law proceedings;

Was read the second time, and referred to the Judiciary Committee.

Mr. Shine moved that the House take a recess until 3 o'clock, P. M.

Mr. Dummett moved that the House adjourn until to-morrow, 10 o'clock A. M.

The question being taken on the motion to adjourn, it was not agreed to.

The question being taken on Mr. Shine's motion, it was agreed to. So the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session. A quorum present.

A bill to be entitled An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek;

Was read the third time, and put upon its passage, upon which the vote was;

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Christie, Dismukes, Dummett, Fennell, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and VanZant—23.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola;

Came up on its third reading, and was laid on the table.

Resolution asking that Tampa be made a Port of Entry;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bowers, Carter, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Penn, Prescott, Riviere, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

A Resolution relative to extra compensation of the Clerk in the Office of the Comptroller of Public Accounts ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Christie, Coombs, Galbraith, Harris, Haynes, Jones of Monroe, Jones of Nassau, Parsons, Penn, Pope, Prescott, Rowley, Speer, Thompson of Levy and Wall—19.

Nays—Messrs. Dell, Dismukes, Dummett, Fennell, Haddock, Hollaman, Langford, Riviere, Shine, Taylor, Thompson of Santa Rosa and VanZant—12.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act for the relief of William R. Hayward, and others ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—29.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to enforce the laws against the violations of the Sabbath day in Monroe County ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Carter, Christie, Coombs, Dismukes, Fennell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Monroe, Pope, Riviere, Taylor and Wall—18.

Nays—Messrs. Baisden, Dell, Haynes, Jones of Nassau, Langford, Parsons, Penn, Prescott, Rowley, Shine, Speer, Thompson of Levy and Thompson of Santa Rosa—13.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act for the relief of Dr. C. A. Hentz ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Brown, Carter, Christie, Coombs, Dell, Dismukes, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—25.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to authorize the drainage of the Alachua Savannah ;

Was read the second time, and ordered to be read a third time on to-morrow.

A resolution authorizing the Governor to engage the services of Hon. J. D. Wescott in the Supreme Court of the United States, and to compensate him for documents in his possession ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Brown, Carter, Christie, Coombs, Dell, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Monroe, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa and Wall—24.

Nays—Mr. Johnston—1.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Brown, Carter, Dismukes, Fennell, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy and Wall—23.

Nays—Mr. Thompson of Santa Rosa—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Parsons, the vote upon the adoption of Resolution authorizing the Governor to engage the services of Hon. J. D. Westcott, in the Supreme Court of the United States, and to compensate him for documents in his possession, was reconsidered, and said Resolution was placed among the Orders for Saturday next.

Senate bill to be entitled An act to authorize William Webb to establish a Ferry across Escambia Bay ;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate Resolution designating the day for the adjournment of the General Assembly ;

Was read the second time.

Mr. Dell moved to amend the resolution by striking out the words " 20th inst ;"

Which amendment was agreed to.

Mr. Dell moved to fill the blank by inserting " tenth of January ;"

Mr. Parsons moved to fill the blank by inserting " 20th of January ;"

Mr. Harris moved that the resolution be indefinitely postponed.

Upon the question of indefinite postponement, the yeas and nays were called, and were as follows :

Yeas—Messrs. Brown, Carter, Christie, Coombs, Fennell, Galbraith, Harris, Parsons, Pope, Riviere and Taylor—11.

Nays—Messrs. Baisden, Dell, Dismukes, Haddock, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Prescott, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—13.

So the House refused to postpone the resolution indefinitely.

Mr. Thompson of Levy moved to fill the blank by inserting “ 10th of March next ; ”

Which was not agreed to.

Mr. Parsons moved that the further consideration of the resolution be postponed until Wednesday next ;

Which motion was lost.

The question being taken upon the question of filling the blank with the words “ 20th of January,” the same was not agreed to.

The question being taken upon filling the blank with the words “ tenth of January,” it was agreed to.

The Resolution was then ordered for a third reading on to-morrow.

Senate bill to be entitled An act to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to amend the laws of the State relating to gaming ;

Was read second time.

Mr. Parsons moved that the House resolve itself into a Committee of the Whole for the consideration of said bill.

Which motion was lost.

Mr. Rowley moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called, and were as follows :

Yeas—Messrs. Brown, Coombs, Dell, Galbraith, Harris, Haynes, Johnston, Jones of Nassau, Parsons, Pope, Prescott, Rowley, Thompson of Levy, VanZant and Wall—15

Nays—Messrs. Carter, Christie, Dismukes, Fennell, Hollaman, Jones of Monroe, Langford, Riviere, Shine, Speer, Taylor and Thompson of Santa Rosa—12.

So the bill was indefinitely postponed.

A bill to be entitled An act for the relief of George Bell ;

Was read the second time.

On motion, Mr Pope was permitted to withdraw said bill.

Senate bill to be entitled An act to provide for the payment of the expenses of Criminal Prosecutions and for other purposes ;

Was read the first time and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to grant pre-emptions on School Lands ;

Was read the first time and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company ;

Was read the first time, and ordered to be read a second time on to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

THURSDAY, December 21, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

Senate bill to be entitled An act in relation to a Road Tax in the Counties of Putnam and Marion ;

Senate bill to be entitled An act for the relief of Dr. C. A. Hentz ;

Senate bill to be entitled An act to enforce the laws against the violations of the Sabbath Day in Monroe County ;

A bill to be entitled An act for the relief of William R. Hayward, and others ;

A bill to be entitled An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Resolutions authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, and others ;

Resolution asking that Tampa be made a Port of Entry ; and

Resolution relative to extra compensation to the Clerk in the Office of Comptroller of Public Accounts.

Mr. Dummett gave notice, that he would on some future day ask leave to introduce a bill to be entitled An act to provide for the establishment and organization of the Florida Independent Blues.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled An act to organize the County of Manatee ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Rowley introduced a bill to be

entitled An act to prevent non-residents of this State from hunting or killing any deer, or other game, within the limits of this State, and for other purposes;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Shine introduced a bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Russell introduced a bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Dummett introduced a bill to be entitled An act to amend an act concerning Roads and Highways now in force in this State;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Russell introduced a bill to be entitled An act to change the name and establish the County Site of St. Lucie County;

Which was read the first time and ordered to be read second time on to-morrow.

On motion of Mr. Shine, the use of the Representative Hall was granted to Mr. Reynolds for the purpose of giving a Concert on this evening.

Mr. Rowley presented a memorial from the Grand Jury of Escambia County, asking the passage of a law for the protection of regular traders;

Which was read and referred to the Committee on Propositions and Grievances.

Mr. Jones of Monroe presented the petition of William C. Dennis asking the grant of certain privileges to aid him in carrying on his Salt Works on the Island of Key West;

Which was read and referred to the Judiciary Committee.

The following message from the Senate was read:

SENATE CHAMBER,
December 21, 1854. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has ordered seventy five copies of the following Bills to be printed, viz:

A bill to be entitled An act to Incorporate a Bank in the city of Tallahassee;

A bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the time and places for holding the terms thereof ;

A bill to be entitled An act to Incorporate the Lagoon and Perdidó Canal Company ;

Also, seventy five copies of His Excellency the Governor's Message, and accompanying documents, in relation to the Boundary between this State and Georgia.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Also the following :

SENATE CHAMBER, }
December 21st, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills, viz :

A bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola ;

A bill to be entitled An act to empower Charles H. Longworth of Gadsden County to manage his own Estate ;

A bill to be entitled An act to change the time of holding Circuit Court of Calhoun County ;

House bill to be entitled An act to provide for the payment of Jurors and State Witnesses, approved January 8th, 1848 ;

House bill to be entitled An act to amend An act Incorporating the city of St. Augustine, approved 4th February, 1833, with the following amendment, viz :

Strike out all of Sections two, four, five and seven, and amend Section three to Section two, and Section six to Section three.

In which amendments the concurrence of the House of Representatives is respectfully requested.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the Senate bills be placed among the Orders of the Day, and that the House bill to be entitled An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848, be enrolled.

On motion, the consideration of the Senate amendments to the bill to be entitled An act to amend an act incorporating the City of St. Augustine, approved February 4, 1833, was postponed until Tuesday next.

Mr. Russell offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to examine the law relative to the duty of Grand Jurors, and see whether or not, it would not be expedient to change the law so as not to

make it their duty to return persons for assaults, batteries, and affrays, and give to Justices of the Peace exclusive jurisdiction of the same, with the right of appeal to the defendant and prosecutor. *And further*, To enquire whether or not, it would be expedient to give to the Justices of the Peace, fees upon all proceedings, whether civil or criminal, before them had; and they report by bill or otherwise.

Which was adopted.

The following report was received and read :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act to prevent the abduction and escape of slaves from this State, have had the same under consideration, and ask leave to

REPORT :

That they recommend the following amendments to the bill :

1st. Strike out in the 2d section and 3d line, the words "by and with the advice and consent of the Senate." Your Committee recommend this amendment because the concurrence of the Senate is not necessary in so unimportant a matter as this ;

2d. That in the 2d section the following words be added, "when- ever in the opinion of said officer it is necessary ;"

3d. In the 4th section, insert after the words "two dollars," the words "and fifty cents ;"

4th. The Committee recommend the following in lieu of the fifth section :

Sec. 5. *And be it further enacted*, That if the captain, commander, or person in charge of any vessel, refuse to comply with the requisitions of this act, or in any way molest, hinder, or delay such officer in the discharge of his duty, the person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not more than two thousand nor less than five hundred dollars.

B. C. POPE,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act to change the period now fixed by law for the payment of Taxes and for the settlements of Tax Collectors, have had the same under consideration, and beg leave to report the bill back without amendment, and recommend its passage.

B. C. POPE,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act in relation to slaves and free persons of color,

report the same back without amendment, and recommend that it do pass.

B. C. POPE,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act to consolidate the offices of Sheriff and Tax Assessor and Collector of Jackson County, have had the same under consideration and

REPORT :

That they recommend the passage of the bill, the fourth section being stricken out.

B. C. POPE,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read :

The Judiciary Committee, to whom was referred a bill to be entitled An act to provide for the relinquishment to the United States, in certain cases, title to and jurisdiction over lands for sites of Light Houses and for other purposes, on the coast and waters of this State, have had the same under consideration and beg leave to

REPORT :

That the bill provides, as its title indicates, that the Governor of the State shall have the power to relinquish to the United States title to and jurisdiction over sites for Light Houses, Beacons and Marine Hospitals, in this State. At present, it requires a special act of the Legislature, granting jurisdiction to the United States, before any Light House, or public building of the kind, can be erected.— This is a cause of great delay and inconvenience, and should be remedied. The rights of private persons can in no way be affected by the passage of the bill, as ample provision is made protecting the same.

B. C. POPE,
Chairman.

Ordered that the bill be placed among the Orders of the Day.

The following report was received and read :

The Committee to whom was referred a bill to be entitled An act governing Judges of Probate in certain cases,

REPORT :

That they recommend the passage of the bill with the amendments or additional sections thereto, herewith submitted :

Sec. 4. *Be it further enacted*, That hereafter every Judge of Pro-

bate shall, before entering upon the duties of his office, give bond with two sufficient sureties, in a sum to be fixed by the County Commissioners, not less than five hundred nor more than five thousand dollars, to the Governor and his successors in office, conditioned in the faithful discharge of his duties, which bond shall be approved by the County Commissioners, and filed with the Clerk of the Circuit Court.

Sec. 5. *Be it further enacted*, That said bond may be prosecuted or sued upon from time to time in the name of the Governor, for the use of any person or persons interested or aggrieved.

Sec. 6. *Be it further enacted*, That when the Judge of Probate shall find it necessary to take charge of Estates, he shall be entitled to the same fees and commissions now allowed by law to administrators and guardians.

JNO. PARSONS,
R. A. SHINE,
JESSE CARTER.

Ordered that the bill be placed among the Orders of the Day.

A communication was received from the Intendant of the city of Tallahassee, asking the location of the Seminary west of the Suwannee at said city, and making certain propositions in the premises;

Which was read and referred to the Committee on Schools and Colleges.

ORDERS OF THE DAY.

Senate bill to be entitled An act to amend An act in relation to pilotage at the Port of Key West;

Was read the second time.

The amendment proposed by the Committee to whom said bill was referred, was adopted.

Said bill was ordered to be read a third time on to-morrow.

A resolution asking Congress to declare Indian River a Port of Delivery;

Was read the second time, and ordered for a third reading on to-morrow.

A bill to be entitled An act to incorporate Leon Lodge No. 5, I. O. O. F.;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to amend the Fourteenth Article of the Constitution on amendments and revision of the Constitution;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River, at Clay's Landing, and for other purposes;

Was read the second time, and ordered for a third reading on to-morrow.

Resolution making appropriation for repairs on the Capitol;

Was read the second time.

On motion of Mr. Shine, the resolution was amended by striking out the words "fifteen hundred," and inserting "not more than three thousand."

The resolution was then ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to define the boundary lines of Duval and Nassau Counties;

Was read the second time.

On motion of Mr. Hayes, the bill was amended by inserting after the word "head" in the third section, the words "of the Middle Prong."

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act to incorporate a Bank in the town of Jacksonville;

Came up in order.

On motion, the House resolved itself into a Committee of the Whole for the further consideration of said bill—Mr. Galbraith in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman reported the bill back to the House with amendments.

Mr. Dummett moved that said bill be indefinitely postponed;

Which motion was lost.

Mr. Carter moved that the 32nd section of said bill be stricken out.

Which motion was agreed to.

The bill was ordered to be read a third time on to-morrow.

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola;

Came up on its third reading and was postponed until to-morrow.

A bill to be entitled An act for the relief of John Sapp of Madison County;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Reviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Script issued under the Act of the 7th of January, 1853 ;

Was read the second time.

On motion of Mr. Carter, the blanks in said bill were filled with the words "seventy thousand dollars ;"

The bill was then ordered to be read a third time on to-morrow.

Resolution requesting an order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man belonging to B. M. Dell, of Florida ;

Was read the third time, and on the question of its adoption the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—34.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act in relation to Pilotage at the Port of Bayport ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its Session. A quorum present. •

Senate Bill to be entitled, An Act to authorize the Drainage of the Alachua Savannah ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford,

Penn, Pope, Prescott, Riviere, Speer, Thompson of Levy, Thompson of Santa Rosa, Van Zant and Wall—26.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled, An Act to authorize William Webb to establish a Ferry across Escambia Bay ;

Was read the third time.

By unanimous consent, said Bill was amended by inserting the words "of Escambia County" between the words "Commissioners" and "and," in the Second Section.

The Bill was then put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Shine, Speer, Taylor, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate Resolution designating the day for the adjournment of the General Assembly ;

Was read the third time.

Mr. Carter moved that the further consideration of the Resolution be postponed until Wednesday next ;

Which motion was lost.

The Resolution was then put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bowers, Coombs, Dell, Dismukes, Dummett, Fennell, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Porter, Prescott, Riviere, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—20.

Nays—Mr. Speaker, Messrs. Carter, Christie, Haddock, Harris, Parsons, Penn, Pope, Shine and Taylor—10.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

On motion of Mr. Thompson of Levy, the vote upon the adoption of Senate Resolution designating the day for the adjournment of the General Assembly, was reconsidered.

Mr. Carter moved that the Resolution be indefinitely postponed, upon which motion the yeas and nays were called, and were as follows :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Christie, Dummett, Haddock, Harris, Haynes, Jones of Monroe, Parsons, Penn, Pope, Prescott and Taylor—14.

Nays—Messrs. Baisden, Bowers, Coombs, Dell, Dismukes, Fennell, Hollaman, Jones of Nassau, Langford, Porter, Riviere, Shine,

Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—17.

So the House refused to postpone said Resolution indefinitely.

On motion of Mr. Harris, the resolution was laid on the table.

A resolution making appropriation for the purpose of clearing out obstructions to the navigation of East and Yellow Rivers and Four Mile Creek in Walton County ;

Was read the second time, and postponed until Wednesday next.

Senate bill to be entitled An act to authorize Thomas H. Willis, of Leon County, a minor, to assume the management of his own estate ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Christie, Dell, Dummett, Fennell, Haddock, Haynes, Jones of Nassau, Parsons, Penn, Pope, Prescott, Shine, Speer, Thompson of Levy, VanZant and Wall—21.

Nays—Messrs. Harris, Jones of Monroe, Langford, Porter, Taylor and Thompson of Santa Rosa—6.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to provide for the payment of the expenses of Criminal Prosecutions, and for other purposes ;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to grant pre-emptions on School Lands ;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to amend an act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company ;

Was read the second time.

Mr. Carter moved that said bill be postponed until Wednesday next ;

Which motion was lost.

Said bill was ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to change the time of holding Circuit Court of Calhoun County ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to empower Charles H. Longworth of Gadsden County, to manage his own estate ;

Was read the first time and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola ;

Was read the first time and ordered to be read a second time on-to-morrow.

On motion of Mr. Parsons, the vote of yesterday postponing until Saturday, the resolution authorizing the Governor to engage the services of Hon. J. D. Westcott, in the Supreme Court, and to compensate him for documents in his possession ;

Was reconsidered, and said resolution was read and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Carter, Christie, Coombs, Dell, Galbraith, Harris, Haynes, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Shine, Taylor, VanZant and Wall—20.

Nays—Messrs. Brown, Fennell, Hollaman, Riviere, Speer, Thompson of Levy, and Thompson of Santa Rosa—7.

So the Resolution was adopted.

On motion of Mr. Carter, the title of the Resolution was changed so as to read as follows :

Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes.

Ordered that the adoption of said Resolution be certified to the Senate.

On motion,

The House adjourned until to morrow, 10 o'clock, A. M.

FRIDAY, December 22, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, the reading of the Journal of yesterday was dispensed with, and the Clerk instructed to correct the same.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act for the relief of John Sapp of Madison County ;

A bill to be entitled An act in relation to Pilotage at the Port of Bay Port ;

Resolution requesting an order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man belonging to B. M. Dell of Florida ;

Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes ;

Senate bill to be entitled An act to authorize the drainage of the Alachua Savannah ;

Senate bill to be entitled An act to authorize Thomas H. Willis

of Leon County, a minor, to assume the management of his own estate; and

Senate bill to be entitled An act to authorize William Webb to establish a Ferry across Escambia Bay.

Pursuant to previous notice, Mr. Harris introduced a bill to be entitled An act for the relief of William R. Friar;

Which was read the first time and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Russell introduced a bill to be entitled An act to amend An act entitled An act to raise a revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24th, 1845;

Which was read the first time and ordered to be read second time on to-morrow.

Pursuant to previous notice, Mr. Dummett introduced a bill to be entitled An act to provide for the establishment and organization of the Florida Independent Blues;

Which was read the first time and ordered to be read a second time on to-morrow.

The following message from the Senate was read:

SENATE CHAMBER, Dec. 22, 1854.

Hon. Speaker of the

House of Representatives :

SIR:—The following Bills and Resolutions have passed the Senate, viz :

A bill to be entitled An act to amend An act entitled An act to permanently fix the Election precincts in the County of Columbia and to repeal certain Acts therein named, approved January 8th, 1853 ;

A bill to be entitled An act to prevent white persons from gaming with Negroes, or other persons of color ;

A bill to be entitled An act for the relief of J. M. Landrum ;

House Bill to be entitled An act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

House bill to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

Resolution in relation to mail route from Tallahassee via Sopchoppy to White Bluff or Pickettsville ;

Resolutions in relation to the Improvement of St. Johns Bar ;

The following bill was lost in the Senate, viz :

House bill to be entitled An act to authorize and empower Andrew J. Lea, administrator, to sell certain real estate therein specified.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills which had passed the Senate be

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enrolled, and the Senate bills be placed among the Orders of the Day.

The following report was received and read :

The Committee on Finance, to whom was referred so much of the Governor's message as relates to Taxation and Revenue, beg leave to

REPORT:

That they agree with the Governor in his views upon this subject. Whatever opinions may exist as to the proper legislation to remedy the present system of taxation, there appears to be universal dissatisfaction at its unequal and unjust operation. There is but little doubt, too, of the necessity of a change, in order to meet the increasing expenditures, and which must necessarily have an extraordinary increase in the next fiscal year. We have to provide for taking the census and for the expenses of an adjourned or extra session of the Legislature.

There would, therefore, seem to be no doubt that we must increase the taxes under the present system or adopt a new, or in the words of the Constitution, "an equal and uniform mode of taxation."

Your committee have drawn up a bill, (submitted herewith,) which they believe will introduce a more equal and just system of taxation. They have proceeded upon the principle that the burthens of government should be in proportion to the protection received. They are aware that the justice of a capitation tax has sometimes been questioned—but they conceive it to be without just grounds. Individual members of society are protected in their persons and in their personal rights, and in privileges as freemen, and they believe that this tax should be most cheerfully paid.

The next basis and the most important one is, that property in every shape shall pay for its protection in proportion to its value. This is the true principle whether considered in relation to equality in the support of Government, or in reference to policy and expediency. All arguments which have any force in favor of specific taxes for protection in federal legislation, are utterly groundless when applied to State policy; and we find that State after State has adopted the *ad valorem* principle, until at present our State is regarded as an exception.

Your committee do not deem it necessary to enlarge upon the inequality and injustice of our present system, as the facts set forth in the message of the Governor are conclusive. They may, however, remark that the tax on incomes is altogether inconsistent with the principles of our institutions. Our policy has been and should be to encourage industry, to perfect skill and increase knowledge by all the means legitimately within the province of government, and yet these are taxed in principle and effect if we tax incomes. On the contrary a tax on property produces a different effect upon these virtues, and if it does not directly stimulate them, it prevents property from remaining idle and unproductive for any long period of time.

Your committee have not attempted to interfere with the tax on licenses, except in those cases where there is a manifest departure from the principles on which the bill is founded.

In all the States where the *ad valorem* principle is adopted, so far as your Committee have examined, some exceptions have been made in favor of the poorer classes, and the bill now proposed excepts fifty head of cattle, and furniture under three hundred dollars in value. This will except cattle that are kept for individual or family use, whilst investments in stock raising, as a business, will be taxed as other capital.

Your Committee have specified a rate in the bill, which they believe, from estimates made, will raise a sufficient sum to meet the necessary expenditures for the next fiscal year.

Respectfully submitted,

JOHN PARSONS, Chairman.

The accompanying bill to be entitled An act to adopt an equal and uniform mode of taxation in this State;

Was read the first time.

On motion of Mr. Dell, said bill was read a second time by its title, and 75 copies ordered to be printed.

The Committee on Enrolled bills made the following report:

The Committee on Enrolled Bills have examined and beg leave to report as correctly enrolled:

A Bill to be entitled An act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes;

A Bill to be entitled An act to amend an act to provide for the payment of Jurors and State Witnesses.

Respectfully submitted,

J. T. BAISDEN,
Chairman.

ORDERS OF THE DAY.

A bill to be entitled An act to prevent the abduction and escape of slaves from this State;

Was read the second time.

The amendments recommended by the Judiciary Committee were agreed to.

On motion of Mr. Pope, the bill was amended by striking out the word "fumigating" in the third section, and inserting the word "searching" in lieu thereof.

The bill was then ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An act to change the period now fixed by law for the payment of taxes and for the settlement of Tax Collectors;

Was read the second time.

Mr. Pope moved to amend the bill by adding the following additional section:

On motion, the amendments reported by the Committee of the Whole on the bill in relation to slaves and free persons of color, were concurred in.

On motion of Mr. Pope, the rule was waived, and said bill was *Be it further enacted*, That the several Tax Collectors of this State in travelling to and from the Capital, for the purpose of making their annual settlement, shall receive five cents per mile, calculating from the county site of each county, to and from.

Which amendment was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled An act in relation to slaves and free persons of color;

Was read the second time.

Mr. Pope moved to amend said bill by adding the following additional section :

Be it further enacted, That this act shall not apply to free persons of color further than to require such persons of color to obtain from the Judges of Probate and County Commissioners in the Counties wherein they may reside, permission to employ means for their education ;

Which amendment was not agreed to.

Mr. Hollaman moved that the bill be indefinitely postponed ;

Upon which motion the yeas and nays were called by Messrs. Dell and Shine, and were as follows :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Dismukes, Fennell, Hollaman, Jones of Monroe, Rowley and Taylor—9.

Nays—Messrs. Baisden, Bellamy, Chaires, Christie, Dell, Dummett, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—23.

So the House refused to postpone the bill indefinitely.

On motion of Mr. Shine, the House resolved itself into a Committee of the Whole for the consideration of said bill—Mr. Galbraith in the Chair.

After sometime spent in consideration thereof, the Committee rose, and by its Chairman reported the bill back to the House with amendments ;

Which report was received.

Mr. Dell moved a call of the House ;

Which was ordered.

Upon calling the roll, the following members were absent, viz :

Messrs. Bellamy, Bowers, Dewitt, Dismukes, Galbraith, Johnston, Neel, Porter, Shine, Speer, Taylor and Whitehurst.

Upon calling again the list of absentees the following members were still absent :

Messrs. Bowers, Dewitt, Johnston, Neel, Shine and Whitehurst.

On motion of Mr. Galbraith, the further proceedings under the call were dispensed with.

read a third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Dell, Dummett, Harris, Haynes, Jones of Nassau, Parsons, Penn, Pope, Porter, Prescott, Riviere, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—21.

Nays—Messrs. Carter, Coombs, Dismukes, Fennell, Galbraith, Haddock, Hollaman, Jones of Monroe, Langford, Rowley and Taylor—11.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ;

Was read the second time.

The amendment recommended by the Judiciary Committee, to-wit : that the 4th section be stricken out, was concurred in, and said section stricken out.

On motion of Mr. Pope, the rule was waived, and said bill was read a third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Pope, Porter, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the bill passed.

On motion, the title of the bill was amended by inserting the words "to be entitled An act" after the word "bill."

Ordered that the same be certified to the Senate.

The following message from his Excellency the Governor was received and read :

EXECUTIVE CHAMBER,
December 22d, 1854. }

To the Hon. Wm. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I have the honor now, to transmit the Report made to me by the Board of Internal Improvement, accompanied by a bill which they prepared, designed to carry into execution the system which they have recommended.

It will be seen that the system recommended embraces every section of the State, and is one on which it is believed, every interest can harmonize. The provision made for securing the construction of the work, although not exactly that recommended in my annual message, is perhaps better, and may prove more certain to secure the object desired. The importance of the work contemplated—the great labor bestowed on the subject by the Board, and the ability

with which they have enforced their views and recommendations, will doubtless secure for their action the careful consideration of the General Assembly.

Respectfully,

JAMES E. BROOME.

REPORT OF THE BOARD.

The Board of Internal Improvement beg leave respectfully to report, that in obedience to the call of the State Engineer, they assembled at Tallahassee on the 4th day of December.

Many of the topics brought under consideration, and which did not seem to call for legislative interference, they have acted upon by resolutions, containing the suggestions of the Board, addressed, through the President of the Board, to the various Officers or Departments charged by law with the respective subjects. Among these, are recommendations regarding steps for a more speedy confirmation of Swamp selections; for a classification of these selections, in lists descriptive of the several characters and grade of land and growth; for an application of the appropriations made by Congress for improving St. Johns River, under directions of the Governor of this State; for the extension of the reconnoissance lately begun by the State Engineer West of the Apalachicola River; and for a reconnoissance of the Haulover between Matanzas and Halifax Rivers.

The subject which chiefly employed the attention of the Board, referred to a general system of improvements for the State, which, while developing into prosperous growth its great natural resources, and giving fair opportunity to every section to bring into activity its peculiar advantages, would draw together in closer union and fraternity the extremes of the State; and in accomplishing this, the Board has still kept in view the duty to make, as nearly as possible, equal distribution to every part, of the aids which can be rendered from the general fund.

There is no portion of the Union more advantageously located, by geographical position, for profitable investment in Railroad enterprises, than Florida; nor is there one upon the development and population of which such improvements would tell with a more sensible effect. Our climate is unequalled in the Union for its moderate and equable temperature and general healthfulness. Every portion of our soil is suited to some industry, productive of wealth; extensive forests, abounding in valuable woods; unlimited natural pasturage, capable of supporting numerous herds of cattle and horses, throughout all the seasons, without the aid of the agriculturist; and extensive belts of agricultural lands, of fertile and durable quality, bearing, in large comparative yield, the richest staples—Upland and Sea Island Cottons, Sugar, and fruits of all the latitudes. We have an extensive sea coast, abounding with valuable fisheries, and indented with the finest commercial harbors which the South affords, both Atlantic and

Gulf. Yet, with all these blessings from nature, our progress and development has been very tardy.

This suspension of growth has been owing only to our failure in availing ourselves, with due diligence, of another and marked natural advantage—that of our geographical position. With one shore upon the broad Atlantic, confronting the great marts of distribution and consumption for Southern and Western staples, and on the other the greatest basin of commercial supply which the globe presents; these two seas divided by an interval so narrow, compared with the States North of us, that we may claim to hold from nature the key of connection between them; with one of the finest harbors of the Atlantic upon one side, and with a series of noble bays and harbors upon the Gulf, each more or less convenient to one or other important stream of trade or travel; we have only to open suitable avenues of connection to draw through the State the greatest tide of commercial intercourse the world has ever seen, and to bring our State into the relation of a center to the social and commercial connection of a large portion of the Union; rendering it thus an inviting field for the enterprising of all classes—agricultural, commercial and mechanic.

That the avenues necessary to this purpose have not heretofore been opened, has been owing to the limited resources of cash capital at the command of our people, and the inability of the State to contribute to their construction. The time has come now when, in the opinion of the Board, it is in our power to stimulate an early construction of the necessary works, and we owe it to ourselves to put the State at once upon its career of progress.

The means at the disposal of the State consist of 500,000 acres of land, selected at an early date, in bodies of 320 acres, and their proceeds; and an amount of Swamp Lands, likely to reach the quantity of 10,000,000 of acres. A portion of the lands of the last description are not of present value, but other portions will have large value for agricultural purposes and for lumber and naval stores, when penetrated by railroads, or reduced to agricultural adaptation by drainage.

We have thought it best to recommend the concentration of these means upon a system of improvement having reference to the wants of general commerce as well as local necessity; for the growth of the State in population and wealth being thus most rapidly developed, the means necessary for local connections and improvements would very soon be produced.

The system we recommend for aid consists of a Railroad between the waters of Escambia Bay and the St. John's River at Jacksonville, with an extension from suitable points on the line, to the waters of St. Andrew's Bay in West Florida, and the St. Mark's River in Middle Florida; and from Amelia Island, on the Atlantic, to the waters of Tampa Bay in South Florida, with an extension to Cedar Key in East Florida; and to connect the country east of the St. John's with the system, and thus to comprehend that section more

fully in its benefits, we recommend also the construction of a Canal to connect Indian River with the St. John's.

These improvements, with roads from Macon in the direction of Cedar Key and from Montgomery to Pensacola, and to some other more eastern point of our system, will complete all the desirable lines for a prosperous system.

It will be found by reference to the map, that every County in the State will be more or less within convenient reach of the system of roads. So far as the State may afford aid for these improvements, the benefits will have been as equally dispensed to the different sections as would be easily practicable; and to each section of the State is afforded an opportunity to develop the growth of a harbor of commerce within its own limits.

In adopting a system, it was necessary to ascertain if we possessed within our own borders, suitable harbors, upon the two seas, for the accommodation of the commerce which would pass over our roads; for otherwise, it would be necessary to point our improvements to suitable connexions with the system of our neighboring States.

Upon the Atlantic we possess the harbor of Fernandina. This is proved, by the Hydrographical Surveys made under authority of the United States' Government, to be one of the finest harbors for the purposes of commerce which is to be found South of the Chesapeake Bay. The harbor is perfectly and closely land-locked, with an average depth of 35 to 40 feet, entirely without shoals, an anchorage with good holding ground extensive enough for the largest possible commerce, and having a frontage of over two miles, along the whole extent of which Wharves of 20 to 50 feet will reach a depth of 25 to 35 feet of water. It is on a Sea Island, and thus secure of health; being very similar in its climate to that of St. Augustine.—The depth upon the bar is thus given in a late report of the Topographical Engineer bureau to Congress, viz: "The bar of this river affords 13½ feet at the lowest water, and from 20 to 22 feet during Spring tides."

To show the sufficiency of this harbor for all the purposes of domestic and foreign trade, it will be found by a reference to Lloyd's list for the year 1853, that there are only thirty-three vessels out of ten thousand four hundred and thirty recorded in that office, that draw twenty feet or more. The following is a list of these thirty-three vessels, showing their burden and draft:

5 Vessels are 600 tons burden and draw 20 feet						
14	"	"	700	"	"	20
6	"	"	800	"	"	20
1	"	"	900	"	"	20
2	"	"	1000	"	"	20
4	"	"	700	"	"	21
1	"	"	800	"	"	22

As compared with the neighboring harbors of Savannah and

Charleston, the harbor of Fernandina is much superior. At Charleston, the depth on the main ship channel does not exceed ten and a half feet, at low water; and at Savannah vessels cannot reach the city with more than eight feet draft at low water. Vessels drawing 17 feet can receive cargoes 12 miles or more below the city, from lighters, and proceed to sea at high water, but this mode of conducting commerce is attended with great inconvenience and expense.—Neither of these ports have a frontage at all comparable to Fernandina. From Fernandina vessels drawing twenty feet can load at the wharf, and proceed to sea with any wind and without towage, for the wharves are not more than three miles distant from the open sea.

Besides this, we believe that Coal, a necessary element in the supporting means of an extensive commerce, can be delivered at any of our ports from the mines, for a cost not exceeding that at any other Southern sea-port.

Upon the Gulf side, we have the noble bays of Pensacola, St. Andrews, and Tampa; besides many others of sufficient capacity for the accommodation of any amount of Gulf trade.

We have felt justified, therefore, in resting our system upon ports located within our own limits.

The next point to which the attention of the Board was directed, concerned the ability of the system to maintain itself.

Throwing out of view the large local support which the roads will derive from the domestic productions and commerce of the State, we propose to regard them in their relation to the general needs of commerce in the transport of persons and commodities.

1. In respect to travel. The destination of the streams of travel between the Atlantic and Gulf of Mexico is to Cuba, to the Pacific over the various crossings of the Isthmus, to Texas, to New Orleans, Mobile and Apalachicola, the three leading American ports on the Gulf. The crossings to the Pacific, are made and to be made at Chagres, at Honduras, and at Tehuantepec. It is capable of demonstration that the most comfortable and cheapest transport, and in nearly every material instance, the *shortest* and *quickest*, from the Atlantic to either of these points—Cuba, Chagres, Honduras, Tehuantepec, Texas, or the Northern Gulf ports, can be made through Florida, using one or other of the ports on the Gulf reached by our system, for debarkation, according to the point of destination. So of course, with the returning tides to the Atlantic.

2. In respect to trade. The Gulf of Mexico is a common basin, or expansion forming, through its tributary rivers, and its connections, the natural receptacle for the products of the largest area of producing country that is to be found anywhere in the same space upon the globe. The population which is to occupy the Valleys of the upper and lower Mississippi, of the Ohio, of the Amazon and its tributaries, and the surface of Texas, Mexico, Central America, Cuba and the other West Indies, must, in process of time, reach inconceivable numbers, producing an amount of annual wealth beyond any-

thing heretofore known ; most of which must pour into this common basin.

When to this is added the vast productions of the Pacific Countries, which, by Canal or roads, must seek the Atlantic through the same basin, there is no appreciating the value of the commerce which it will supply. For a large part of this commerce—much more of it than our system can accommodate—the transit through Florida will be more convenient and more cheap, than by sea, or over any land line outside of our limits.

It is an undoubted truth that commerce will settle itself in those channels which offer the cheapest, and at the same time, quickest transport, other considerations affecting commercial value being equal. Tried by this test, it is certain that a great and enriching portion of the vast trade with the Gulf of Mexico must pass over our lines. The Board do not wish to swell their report, by entering upon detailed comparisons with other water and land routes, but they are satisfied that the position they assume will bear the most rigid scrutiny.

No inconsiderable circumstance in determining the advantage of our routes for conducting the business of the Gulf basin is, that none of the points at which the produce now collects are suited for a large foreign commerce. Galveston admits less than 12 feet, the Mississippi only about 13 feet, and not more than 10 feet can be carried to Mobile at high water.

The difficulty of conducting foreign commerce from New Orleans, may be illustrated by the facts stated in a memorial to Congress by the Chamber of Commerce a few years since. It is therein stated that “ within the last few weeks nearly forty ships have been aground on the bar, for various periods, from two days to *eight weeks*, some of which were compelled to throw portions of their cargoes overboard, and others to discharge cargo into lighters before they could be got through the Channel, occasioning heavy expense to the goods, and great straining and injury, besides involving pecuniary losses which cannot be estimated at less than \$500,000.”

At the time of the grounding of the steamer Georgia, Capt. Porter, U. S. N., prepared a draft “ representing the appearance of the bar of the Mississippi River, May 16, 1852,” which was published by order of the Chamber of Commerce of New Orleans. The explanation printed with the draft stated as follows:

VESSELS ON NEW ORLEANS BAR.

	<i>Tons.</i>	<i>Bales Cotton.</i>	<i>Value.</i>	<i>Detained.</i>
Middlesex,	1430	4500	\$160,000	40 days.
Desdemona,	625	2200	80,000	35 “
Winchester,	1475	5800	205,000	83 “
Progress,	1400	4300	105,000	45 “
Goodwin,	600	800	60,000	8 “
Montreuil,	600	2000	70,000	7 “

	<i>Tons.</i>	<i>Bales Cotton.</i>	<i>Value.</i>	<i>Detained.</i>
Brought forward,	-	-	\$725,000	
Liberty,	740	2000	70,000	5 days.
Str. Georgia,	2500			
Total Cargoes,	-	-	\$795,000	
Value of Vessels,	-	-	705,000	

Or aggregate value of property detained \$1,500,000

It is added in a note to the above table that "many other vessels than those above were aground at the same time, awaiting a swell from South-easterly gales."

Nor is Mobile better circumstanced for heavy commerce. In a memorial from the mayor and citizens of Mobile, lately presented to Congress, it is stated that vessels of heavy draft have to lie 28 miles below the city and are loaded and discharged there, by means of lighters. This charge of lighterage only is shown to have amounted to \$227,000 on the commerce of the previous season. This is not the greatest loss. The memorial enters into a calculation to show the damages done goods and produce by the necessary transshipments, and concludes that cotton at Mobile is injured to the amount of one eighth per cent per pound in comparison with shipments to New Orleans, which, on the crop of the previous year, made a loss of \$167,230,—which added to the lighterage, makes an aggregate loss on foreign commerce from this cause of \$394,628. The injury to domestic trade is put at \$107,791 more, thus swelling the annual injury in conducting commerce at Mobile, from deficiency of harbor, to \$502,599; a sum sufficient to have transferred the cotton shipped from Mobile, from her wharf, to Fernandina.

Besides which, the interruption of business by a climactic mortality at Mobile and New Orleans, from which Fernandina would be exempt, must more or less affect the cost of factorage, freight and facilities of business.

The effect of our improvements will be, practically, to furnish the Gulf with a good Atlantic port by an extended wharf, and it is not doubted, that in progress of time, the Gulf ports will find their interest in a common resort to Fernandina as their seaport for foreign trade.

The Board then feel warranted in the belief that the system proposed is capable of sustaining itself profitably.

The next subject which occupied their attention, related to the mode in which aid should be given to these works.

After considering the several modes in which aid had been given by other States, and the various forms in which our lands might be made available for the purpose, we concluded to recommend that companies constructing these lines, be authorized to issue bonds to the extent of ten thousand (\$10,000) dollars per mile,

the interest on which might be guaranteed by a lien upon the Internal Improvement fund, upon the condition that the bonds should pass only in payment for iron, and equipment, after the road bed and wooden superstructure was prepared for the iron: the whole debt thus created constituting a first lien upon the Road.

We have proposed to throw around the State fund every possible security consistent with the efficiency of the plan, and have recommended conditions on the part of the Companies, which will give to the State the most ample assurance that the Roads will subserve the general public utility.

In considering the subject, various modes came under review.—Whatever practicable aid was *necessary* to insure the construction of the Roads, a wise policy would justify; for the rapid enhancement of the general wealth and population certain to follow their construction, would be ample recompense for the surrender of the whole fund. A single bridge is being built at Montreal at a greater cost (to-wit: seven millions of dollars,) than the whole amount of our aid, for the sole purpose of making unbroken connection with the Lakes.—But we were desirous, if possible, of saving to the State the fund, for future public use, if a sufficient stimulus to the construction of the Roads could be afforded without parting with it.

1. A gratuity or bonus of the lands to the Companies.

This mode of aid has not been unusual.

New York granted as a bonus or gift from the State, \$3,000,000 to the Erie R. R. Co.

Mississippi, by legislative act, granted to a Company by way of bonus, a Railroad completed from Jackson to Brandon, (14½ miles,) with the cars, locomotives, fixtures, depots, town lots, &c., attached to the road, sixty choice and picked negroes, the two per cent. fund then on hand, being about \$12,000, and that which might afterwards be received, to induce an extension of the road to the Alabama line.

Texas made a direct grant of nearly twelve millions of acres of land to the Pacific R. R. Co.

Illinois gave as a bonus to the Central R. R. Co., works upon which the State had expended two millions of dollars.

The State of Maryland made a bonus of \$1,000,000, and the City of Baltimore, a further bonus of \$850,000 to the Baltimore and Susquehanna R. R. Co., as an inducement to agree to a consolidation into the Northern Central R. R. of Maryland, "for the better business advantages of Baltimore."

Even private companies make such aids in pursuing their own interest.

The Michigan Central R. R. Co. offered a bonus of two hundred thousand dollars to the Canada R. R. Co. if they would complete their road at a certain time.

Not deeming this mode of aid *necessary*, the Board did not adopt

it. This, however, may be an appropriate place to say that they recommend the grant of alternate sections where the Roads pass through State Lands, to the extent usually granted by Congress, and with such limitations as will prevent any title passing until the Roads are made.

The principle upon which this rests is of consideration for benefit rendered to the general value of the State Lands, by the enterprise and hazards of private investment.

The State Fund will be more than recompensed by the making of the Roads, if this grant should help to induce their construction. Whatever increases the *general prosperity*, and opens new avenues of industry, enhances the general value of property; but Roads have, besides, a direct and powerful influence upon the value of real estate.

In 1841, when Boston commenced her Railroad enterprises, the total assessment of property value in that city was ninety-eight millions, one hundred and six thousand, six hundred dollars. In 1850, when the Railroads were in operation, it was two hundred and sixty millions, six hundred and forty-six thousand, eight hundred and forty-four dollars; and this was produced by Roads the total cost of which was thirty millions, two hundred and forty-four thousand, nine hundred and twenty-six dollars.

In Mobile, the assessed value of property rose *five millions* in one year, after the Mobile and Ohio Road was commenced.

In New York City, in the period of five years, from 1845 to 1850, the value of real estate fell from two hundred and fifty-one millions to two hundred and forty-nine millions. Since then, the Erie Railroad has been completed, and the assessed value of real estate for 1853, showed an increase of sixty-two millions over the assessment of the previous year, or above seventeen per cent. The ratio of increase in real and personal property was about equal.

In Louisville, in 1848, the value of property was a little over fourteen millions. During that year, she commenced a system of Roads. In 1853, (five years after,) the assessed value of property had risen to thirty millions.

In the last annual report of the Pacific Railroad Company in Missouri, they say:

"It seems here a proper place to observe that, in its effects upon the price of lands adjacent to the line, the Railroad is accomplishing quite as much as was ever predicted or promised. The value has been at least trebled. Lands which recently were held at one dollar and fifty cents, are now held at ten dollars per acre. Those which were held at thirty dollars, have been sold at one hundred dollars. Those which were but lately bought for three hundred dollars, have been sold for one thousand dollars. There can hardly be a doubt that the enhanced value of lands through the district of country in which our Road is laid, already considerably exceeds the esti-

mated costs of the work, as far as located. Another perceptible effect is a renewed spirit of industry and enterprise, and the development of our resources. In the interior, it has attracted new settlers, and occasioned the entry of large quantities of public land."

An instance is lately stated in the United States Economist, as being within the knowledge of the editor, of a person who invested his earnings for some time in land, in Illinois, which he offered in the end for twenty thousand dollars, but without success. The Central Railroad passed through it, and he was hesitating at an offer of one hundred and twenty thousand dollars.

These are a few instances, out of similar thousands, in illustration of the effects of Railroads upon the value of lands in their vicinity.

The Board, therefore, thought that the enhanced value to the fund, by the construction of these Roads, would well justify the contribution proposed under this head; and it may be well to reserve to the State the power to do the same in the case of future charters, not falling within the system now proposed.

2. By subscription to the Stock of the Companies.

This was deemed inadvisable, for various reasons. To place the State and individual stockholders upon a just equality, it would be necessary to pay for the Stock in cash, and it was not believed a sufficient amount of cash capital could be derived from the lands to afford any useful aid to the Companies at present. Besides this, if the ultimate avails of the land should prove inadequate to cover the amount of Bonds issued to raise the cash for subscription, the State, under the inhibitions of the Constitution, would have no means nor resources from which to supply the deficiency, and would thus be exposed to damage of repute. It was also a cause of objection, that if the State were able to subscribe enough to afford effective aid, she would necessarily acquire a large share in the direction and management of the work, and such connection of political agencies with works of this nature, has heretofore proved so objectionable as to cripple their credit. The wastefulness of political agencies in the management of public works, is very strongly exhibited by a table of receipts and expenditures on the public works in Pennsylvania, compared for a series of years. The table was presented by a member of the Legislature of that State, at its last session, and shows how *expenditures grow* under political management:

	<i>Receipts.</i>	<i>Expenditures.</i>
1846.....	\$1,034,815.....	\$499,970
1847.....	1,230,422.....	532,728
1848.....	1,184,245.....	793,308
1849.....	1,238,720.....	730,528
1850.....	1,345,501.....	839,418
1851.....	1,234,062.....	894,451
1852.....	1,452,417.....	1,036,497
1853.....	1,303,541.....	1,158,104

3. By loan of credit, or what is tantamount, guarantee of the bonds of the Company.

This is the most usual mode of aid, by States, to Companies undertaking important public works.

In Tennessee, the State loans the bonds of the State to the amount of ten thousand dollars for every mile of road graded by private subscription, and one hundred thousand dollars additional for every important bridge.

In Missouri, the State bonds were loaned to Companies at a single session to the amount of eight millions and a half of dollars.

In Virginia, at a single session, (1850-1,) the State guaranteed bonds of Rail Road Companies of a million dollars, besides large similar aids before and since. In the case of a single Company, she has made loans and guarantees exceeding three and a half millions of dollars.

In Maryland, the State loaned its credit to Railroad Companies to an amount exceeding five millions of dollars.

North Carolina has endorsed the bonds of the Wilmington and Raleigh Company and others to a large amount—nearly a million in one case, (the Raleigh and Gaston R. R.)

South Carolina guaranteed the bonds of the Blue Ridge Company for a million and a quarter of dollars.

Massachusetts aided the Western Railroad Company to the amount of four millions of dollars; and for the Hoosac Tunnel, costing three millions, guaranteed bonds for two millions of dollars.

Cities even, and private companies, do the same for the stimulating of such works.

The city of Portland, in Maine, with a population at the time not reaching twenty thousand, loaned the credit of the city to a Railroad Company connecting with Montreal for one and a half million of dollars.

Various towns in Maine loaned their credit to the Kennebec and Portland R. R. Co., to the amount of near a million of dollars.

Cincinnati, in Ohio, loaned the credit of the city to various Companies on one day to the amount of a million. She also loaned her credit to the St. Louis and Cincinnati Railroad Company for six hundred thousand dollars.

Baltimore lately endorsed the bonds of the Baltimore and Ohio Railroad Company for five million of dollars.

The same city also endorsed the bonds of the Connellsville R. R. Company for the amount of a million of Dollars. She also loaned her bonds to the North-western Railroad Company, (in Virginia,) for one million and a half of dollars, and the Baltimore and Ohio R. R. Co. loaned its credit by guaranteeing bonds for the same Company for one million of dollars.

The city of Knoxville, in Tennessee, guaranteed bonds of the East Tennessee and Virginia Railroad to a considerable amount.

This form presents a better mode of aid from the State Lands, be-

cause it makes the road intervene between the creditor and the fund, and affords a larger basis for aid than the mode of subscription.

But the Board settled finally upon a mode of aid forming a modification of the last mentioned, and affording a larger basis for aid to the Companies, namely :

4. A guarantee of only the *interest* of the bonds, and a requirement from the Company to deposit with the Trustees of the Internal Improvement Fund, annually, a sufficient amount to compose a sinking fund, that will cover the principal of the bonds at maturity. A semi-annual payment of half of one per cent. will do this in the case of thirty-five year bonds at seven per cent.

To accomplish this purpose, it is recommended that the lands be vested in a Board of Trustees, consisting of the Governor, Comptroller, Treasurer and Attorney General, and shall compose a property, to be called the Internal Improvement Fund. That this Board take in charge the care of the lands, affix prices, make sales, adopt suitable plans for drainage without encroaching upon the cash funds, invest the proceeds of the lands in safe and proper securities, invest also the sinking fund, direct the payment of interest as it falls due, and perform such other duties as may be proper to be committed to them.

When twenty miles of road on any part of the routes indicated has been graded, and the cross ties prepared and delivered on the ground, it is recommended that the Company be authorized to issue coupon bonds running thirty five years, and bearing an interest not exceeding seven per cent., to the amount of ten thousand dollars per mile, in payment for iron and equipment, and not to be valid if applied to any other use; and that the Trustees of the Internal Improvement Fund be authorized to certify upon said bond that the interest will be paid as due, out of the funds in their trust, if not provided for by the Company, and when the iron has been laid on the first twenty miles, and a further length of ten miles has been graded, and the cross ties delivered, a further issue of bonds in same ratio to be made, and so on in successive Sections of ten miles.

To ensure the due attention of the Company to the payment of the interest, it should be made the duty of the President and Board of Directors, under suitable penalties, to present a sworn statement every six months of the gross receipts of the part of the road completed, and the expenses of working and maintaining it, and to pay into the Treasury of the State, subject to the order of the Trustees, the amount of interest payable upon the bonds issued, if the net receipts will pay the said interest, besides dividing six per cent. among the Stockholders, upon the amount paid in by them. But if the net receipts do not amount to so much, then the Company should be required to pay in fifty per cent., or one half of the net earnings, the remainder to be divided among the Stockholders. This arrangement is made to encourage Stock subscriptions, by enabling persons of limited estate to take and hold Stock, as well as to favor the Coun-

ties in the subscriptions hereafter recommended to be authorized.— In case the Internal Improvement Fund should be required to pay for any deficiency of interest, the Company should be required to deliver to the Trustees stock in the Road to an equal amount.

To guard the fund from being called upon to pay interest before the iron is laid, the Company should be required to deposit the first semi-annual instalment of interest at the time of receiving the bonds, and should be obligated to lay the iron upon the sections for which the bonds are issued within the current six months.

To guard the Internal Improvement Fund from loss, the bonds so issued should constitute a first lien upon the road, equipment, depots, warehouses, workshops and franchise, with suitable provisions for enforcing the lien in case of default.

To render the roads of certain usefulness to the State, the leading particulars in their construction should be specified, ensuring first class roads; and a uniform guage and arrangement for through-trains, should be required.

It will be perceived that under the system proposed there can be no probable ultimate loss to the fund; for the roads and appurtenances would certainly be worth the cost of the iron and equipment provided for them.

Nor would the fund be long inactive if the roads proved profitable; for if the roads were able to pay the sinking fund instalment and the interest upon the bonds, by investing the sinking and Internal Improvement Funds, with their accumulating interest, in the guaranteed bonds, it would not be very long before the fund would be under control of the State. To expedite this result, it might be provided, that after a road shall, for five consecutive years, pay the sinking fund instalment, the interest upon its bonded debt, and a dividend of six per cent. to the Stockholders, the State should be at liberty to apply the accruing interest of the Internal Improvement Fund to other objects, so long as the roads continue to make the same income.

As a further guard to the interest which the State fund will have in the success of the roads, and as well to maintain their profitableness as to make fully tributary to our development the advantageous geographical position of the State, it is recommended that an enactment be made which will secure these routes from the danger of rival lines, by which the trade properly tending towards them might be drawn off. While it would not become us to refuse to commerce a transit through our limits, it is still allowable, in due regard to the best interests of the State, to secure, as far as may be consistent with the general interests and rights of trade, the benefit of our position to the advantage of our own people. Our neighboring State of Georgia has laid down, at the last session of her Legislature, the rule of her government upon this point, in the following words: "There is nothing (says her Committee) illiberal or selfish in the de-

termination of Georgia to seize upon those gifts of nature and a bounteous Providence, which seem to have been so exclusively her own, and by their proper and judicious use to secure for her own people the greatest possible advantage. Such determination is in no wise incompatible with her political or social relations to other States or their inhabitants," and they quote approvingly the remark of Governor Bigler of Pennsylvania, in his last Message to the Legislature, that "where no principle of commerce is violated, it is the right and duty of the State to turn her natural advantages to the promotion of the views and welfare of the State." Without examining into the bearing of these views, we quote them as worthy to be considered.

To induce an early construction of the roads, it might be provided that no Company should be entitled to the guaranteed bonds for any part of their route not constructed within five years from the date of the Act, and the Companies undertaking should be required to commence their work by grading twenty miles within two years.

It will be perceived that the bonds are allowed to bear a maximum interest of seven per cent. Of seventy-six different kinds of Railroad bonds, issued by fifty-two different Companies, thirteen pay an annual interest of six per cent., fifty-five pay seven per cent., seven pay eight per cent., and one pays ten per cent. Most of the Southern and Western Railroad bonds range from seven to ten per cent.

In further aid of the system, the Board recommend that the Counties through which the roads pass be authorized to subscribe for Stock to an amount not exceeding one half the cost of constructing that part of the road which lies within their limits, and that the Towns and Cities at the terminal points, and on the route, be authorized to subscribe in their corporate character, without limit in amount, and with the consent of the Company. Provided, however, in both cases the subscription be sanctioned by the vote of a majority of the legal voters in such Counties, Cities, or Towns, who may vote; and that if bonds are issued for the subscription, the Stock shall not be assignable, except in exchange for the Stock Bonds, until they are cancelled, but shall be held as a collateral security for the discharge of them. If, instead of issuing Bonds, the Counties or Cities prefer to pay in their due instalments as called for, by immediate tax, the holders of the tax receipts, either as original parties or by assignment, should be entitled to receive a share of Stock for every hundred dollars of tax receipt.

This mode of contributing to the construction of Railroads is practised in nearly all the States, especially in the West and South, and has been attended with very favorable effects.

The Railroad Convention of the Southern and Western States, which met in New Orleans in 1852, in which were represented Louisiana, Virginia, Kentucky, Tennessee, Alabama, Florida, Missouri,

Arkansas, Texas, and Georgia, passed unanimously the following, among other Resolutions :

“Resolved, That it is the right of the people, whenever they may deem it proper, to subscribe through their municipal and parochial corporations for the stock of Railroads calculated to advance their interests, and that the Legislatures of the different States ought by law to authorize their cities, parishes and counties to make such subscriptions when desired by the respective inhabitants.”

As contrasted with subscriptions made by State loans, this plan is infinitely preferable. It may very well happen that while the contribution for a State loan is general throughout the State, the application of the fund may be very partial in its benefits, and controlled by prevailing influences in a manner utterly valueless to a large portion of the tax payers. Every person who parts with a dollar for any purpose beyond the expenses of administering government, should have a direct equivalent. We cannot expect unanimity in any case of taxation or appropriation ; but by County subscription, based upon a popular vote, we are assured the investment is not without local interest to the tax payer who is to meet the liability. The tax payers who are to answer the debt, decide the question of undertaking the debt ; and all the property which is to be enhanced in value by the improvement, is brought into fair and equal contribution. It is the only means by which the lands of absentees, and the unsold lands of the United States, so far as they may become private property before the bonds are discharged, can be made to bear its due proportion of the burthen.

The course is clearly a just one. In a recent discussion of the subject by a Journal devoted to Railroad matters, the subject is well presented in the following terms :

“Every person in a community living near a Railroad, is benefitted nearly in proportion to the amount of property he possesses. It is just, therefore, that the benefit and burden should correspond with each other. When a Railroad is built by individual contribution, a few make all the sacrifices, while the great mass reap all the benefit. Now it often happens that those who are the best able to contribute towards a Railroad, do the least. They have an abundance already, and the Road is not necessary to their abundance, or means of comfort or pleasure. They believe the Road must and will be built, whether they take hold or not, and that they can receive all the advantages to be derived from it, without being compelled to make any sacrifice, or incur any risk. The only way to make such men contribute to an enterprise, is to tax their property by the general voice of the community. When, therefore, an entire community are equally benefitted by a Railroad, the most equitable mode of raising the necessary means, is to make every person contribute according to the extent to which he is benefitted.”

But in the present condition of the State, the occasion for such aids is unusually imperative. We have as yet but limited accumulations of money capital, but there is large value in landed and other property, which is unproductive for want of the very advantages that Railroads will afford. The plan offers a means by which this inactive capital may be developed into usefulness.

Every protection to the Counties, from being overburthened, is secured, by limiting the authority to works comprehended in this system, and by confining the subscription to half the cost of construction within their respective limits.

Nor is there danger of inconsiderate action. For, by requiring the Commissioners to levy an annual tax to meet the liability, the voters will duly reflect before assuming a burthen which is to bear at once upon their means.

Nor will the benefits be unworthy the sacrifice. The increased value of property consequent upon the improvement, will be more than the liability; and the stock received in lieu will, by its dividends and value, balance the bonds and interest as soon as the work is in useful operation. The very expense saved annually in transportation of the exports and imports of a County, would generally be more than the outlay for the interest of a subscription, even in cases where the maximum subscription allowed by the Act was made.

The Board believe that the adoption of the system they recommend, will result in the early construction of all the roads contemplated by it.

With the concurrence of the Committees on Internal Improvement of the two Houses of the General Assembly, the Board have prepared a Bill that will carry out the views they present, which bill has been examined and approved by the Attorney General, and which is respectfully submitted as a part of their report.

In conclusion, we recommend that the Board, being no longer necessary, if the proposed plan is adopted, be abolished as a Board, the State Engineer only being retained; and the Board take the occasion to express their high satisfaction with the manner in which this officer has discharged his duties, and as his labors will be much increased by the plan proposed, they doubt not that his continued usefulness will secure him a permanent public favor.

DAVID L. YULEE,
JAMES T. ARCHER,
RICHARD H. LONG,
A. S. BALDWIN,
JOHN C. PELOT.

Which was read, and 500 copies of the accompanying Report of the Board of Internal Improvement were ordered to be printed.

On motion, the rules were waived to permit Mr. Galbraith to introduce a bill without previous notice.

Mr. Galbraith introduced a bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State;

Which, the rule being waived, was read the first and second time by its title, and 100 copies ordered to be printed.

The following Message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, December 22, 1854. }

Hon W. F. RUSSELL, *Speaker of the*

House of Representatives :

SIR:—I respectfully return without my approval Act entitled “An act for the relief of Jose Vigil.”

The bill returned is subject to the same objections which induced me to return without approval, the Act entitled “An act for the relief of Watson W. Leggett,” the reasons for which were assigned in my communication of the 15th inst., and to which you are respectfully referred.

Very respectfully, your obedient servant,
JAMES E. BROOME.

Which was read, and the question being taken upon the passage of the accompanying bill over the veto of the Governor, the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Carter, Jones of Monroe, Jones of Nassau, and Shine—7.

Nays—Messrs. Baisden, Chaires, Dell, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Langford, Penn, Pope, Prescott, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, Vanzant and Wall—19.

So the bill was lost.

A bill to be entitled An act to provide for the relinquishment to the United States in certain cases, title to and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State;

Was read the second time, the rule waived, read a third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Taylor, Thompson of Santa Rosa and Wall—26.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act governing Judges of Probates in certain cases;

Was read the second time.

The amendments recommended to said bill by the Select Committee to whom the same was referred were concurred in.

On motion, the rules were waived, and said bill was read a third time by its title, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Haynes, Hollaman, Jones of Nassau, Langford, Penn, Pope, Prescott, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Wall—25.

Nays—Mr. Harris—1.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rules being waived, Mr. Parsons introduced the following Resolution:

Resolved, That the Comptroller furnish this House with probable estimates of the current expenditures for the next fiscal year, having regard to the expense of taking the Census and the expenses of an adjourned or extra session of the Legislature for fixing the apportionment;

Which was adopted.

Ordered that the Comptroller be notified thereof.

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer, or other game within the limits of this State, and for other purposes;

Was read the second time, and was postponed and made the special Order of the Day for Thursday next.

A bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts in this State;

Was read a second time and ordered to be read a third time on to-morrow.

A bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County;

Was read the second time, the rule waived, read a third time by its title, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—28.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

On motion, the House took a recess until 3 o'clock.

3 O'CLOCK, P. M.

The House resumed its session, a quorum present.

On motion, leave of absence was granted to Messrs. Christie and Fennell for to-morrow, and to Mr. Haynes until next Tuesday week.

A bill to be entitled An act to amend An act concerning Roads and Highways now in force in this State;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to change the name and establish the County Site of St. Lucie County;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to amend An act in relation to Pilotage at the Port of Key West;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dismukes, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Penn, Pope, Prescott, Shine, Speer, Taylor, Thompson of Levy, Thompson of San a Rosa, Vanzant and Wall—24.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution asking Congress to declare Indian River a Port of Delivery;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires,, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Penn, Pope, Prescott, Shine, Speer, Taylor, Thompson of Santa Rosa and Wall—23.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act extending the time authorizing George H. Tresper to establish a ferry across the Suwannee River at Clay Landing, and for other purposes;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Brown, Chaires, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, Vanzant and Wall—25.

Nays—None.

So said bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution making appropriations for repairs on the Capitol ;

Was read the third time, and upon the question of its passage, the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dismukes, Dummett, Galbraith, Haynes, Jones of Monroe, Jones of Nassau, Langford, Parsons, Pope, Prescott, Shine, Speer, Thompson of Levy and Wall—19.

Nays—Messrs. Dell, Harris, Hollaman, Penn, Rowley, Taylor, Thompson of Santa Rosa and VanZant—8.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to define the Boundary Lines of Deval and Nassau Counties ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Parsons, Penn, Pope, Prescott, Shine, Speer, Taylor, Thompson of Levy and Wall—22.

Nays—Messrs. Jones of Nassau, Langford, Thompson of Santa Rosa and VanZant—4.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Scrip issued under the Act of the 7th of January, 1853 ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Parsons, Penn, Pope, Prescott, Rowley, Speer, Thompson of Levy and Thompson of Santa Rosa—22.

Nays—Messrs. Baisden, Langford, Shine, Taylor, VanZant and Wall—6.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola ;

Was read the third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Coombs, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—24.

Nays—Mr. Carter—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to incorporate a bank in the town of Jacksonville;

Came up on its third reading, and was postponed until Friday next.

A bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando County;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Brown, Carter, Chaires, Coombs, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa and Wall—23.

Nays—Mr. VanZant—1.

So the bill passed.

On motion of Mr. Rowley, the title of the Bill was amended by striking out the word "County" and inserting the words "and Escambia Counties."

Ordered that the passage of the bill be certified to the Senate.

Senate bill to be entitled An act to provide for the payment of the expenses of Criminal Prosecutions, and for other purposes;

Came up on its third reading and was postponed until to-morrow.

Senate bill to be entitled An act to grant pre-emptions on School Lands;

Came up on its third reading, and was postponed until to-morrow.

Senate bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company;

Came up on its third reading, and was postponed until to-morrow.

Senate bill to be entitled An act to change the time of holding Circuit Court of Calhoun County;

Was read the second time.

On motion of Mr. Parsons, the bill was amended by striking out the word "conflicting" in the second section, and inserting in lieu thereof the words "so far as they may conflict."

The bill was then ordered to be read a third time on to-morrow.

The rule being waived, the Committee on Agriculture made the following report:

The Committee on Agriculture have had under consideration "a bill entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State," and beg leave to report the same back to the House and recommend its passage.

B. W. BELLAMY,
Chairman.

Which was read, and the accompanying bill placed among the Orders of the Day.

The rule being waived, Mr. Haynes introduced a bill to be entitled An act to amend an act, approved Nov. 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act to Improve the Navigation of the Harbor and Bay of Apalachicola ;

Was read the second time, the rule waived, read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

On motion, the use of the Representative Hall was granted to Miss Reynolds for the purpose of giving a concert this evening.

On motion,

The House adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, December 23, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State scrip issued under the Act of the 7th of January, 1853 ;

A bill to be entitled entitled An act to define the boundary lines of Duval and Nassau Counties ;

A bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes ;

A bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County ;

A bill to be entitled An act to provide for the relinquishment to the United States in certain cases, title to, and jurisdiction over lands for

sites of Light Houses and for other purposes, on the coast and waters of this State ;

A bill to be entitled An act to unite the offices of Sheriff and Tax Assessor and Collector in Hernando and Escambia Counties ;

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola ;

Resolution asking Congress to declare Indian River a Port of Delivery ;

Resolutions making appropriation for repairs on the Capitol ;

Senate bill to be entitled An act to improve the navigation of the Harbor and Bay of Apalachicola ;

Senate bill to be entitled An act governing Judges of Probates in certain cases ;

Senate bill to be entitled An act in relation to slaves and free persons of color ;

Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector of Jackson County ; and

Senate bill to be entitled An act in relation to Pilotage at the Port of Key West.

The following bills which had passed both Houses and had been duly enrolled and signed, were transmitted to his Excellency the Governor, viz :

An act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes ; and

An act to amend an act to provide for the payment of Jurors and State Witnesses, approved January 8, 1848.

The Speaker laid before the House the following communication

HOUSE OF REPRESENTATIVES, CAPITOL, }
TALLAHASSEE, December 23d, 1854. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR:—My election by the House, as Speaker pro tempore, was justified by the indisposition of the Speaker. That cause no longer existing, I deem the office no longer necessary, and therefore respectfully tender my resignation.

Very respectfully,

Your obedient servant,

J. CARTER.

Which was read, and the resignation accepted.

The following message from the Senate was read :

SENATE CHAMBER, }
December 22, 1854. }

Hon. Speaker of the

House of Representatives :

SIR:—The following bill was this day lost in the Senate, viz :

An act of the sixth General Assembly to alter and amend the fourteenth and twenty third clauses of the third article, and the thir-

teenth and sixteenth clauses of the fifth article of the Constitution of this State.

The Senate has ordered two hundred and fifty copies of his Excellency the Governor's message, and the Report of the Board of Internal Improvement, as also,

Seventy-five copies of a bill in relation to the same subject.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of Senate.

Also the following :

SENATE CHAMBER, }
December 23, 1854. }

Hon W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—The Senate has concurred in "House amendment" to Senate bill to be entitled An act to authorize William Webb to establish a Ferry across Escambia Bay.

The following bills have passed the Senate, viz :

A bill to be entitled An act to authorize Samuel D. Howse of Marion County to assume the management of his own Estate ;

A bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River ;

House Bill to be entitled An act to organize the County of Volusia without amendment ;

House bill to be entitled An act for the relief of the Town of Quincy without amendment ;

House bill to be entitled An act to permanently locate the Court House of Hernando County, with an amendment to the title of said bill, viz :

Strike out "Court House" and substitute in its place "County Site."

In which amendment the concurrence of the House is respectfully requested.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

On motion, the amendment of the Senate to the bill to be entitled An act to permanently locate the Court House of Hernando County, was concurred in.

Ordered that the House bills be enrolled, and the Senate bills be placed among the Orders of the Day.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills beg leave to report the following Bills as correctly Enrolled :

A bill to be entitled An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

A bill to be entitled An act to authorize Oliver H. Hearn to build a Toll bridge across the Aucilla River.

Respectfully submitted,
J. T. BAISDEN,
Chairman Committee on Enrolled Bills.

ORDERS OF THE DAY.

Senate bill to be entitled An act to empower Charles H. Longworth of Gadsden County, to manage his own estate;

Was read the second time, the rule waived, read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Coombs, Dell, Dummett, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Parsons, Pope, Prescott, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, and Wall—22.

Nays—Messrs. Jones of Monroe and Langford—2.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rule being waived to permit Mr. Galbraith to make a motion, Mr. Galbraith moved that 500 additional copies of the Report of the Board of Internal Improvement be printed ;

Which motion was agreed to.

The rule being waived, Mr. Rowley introduced a Resolution asking Congress to alter the provisions of the grant of land for establishing two Seminaries of Learning in this State ;

Which was read the first time, and ordered to be read a second time on Wednesday next.

Senate Resolution in relation to a mail route from Tallahassee by the way of Sopchoppy, in Wakulla County, to White Bluff or Pickettsville, at the mouth of Crook River on the Apalachicola Bay ;

Were read the first time, the rules waived, read a second and third time by their title, and put upon their passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dismukes, Dummett, Galbraith, Harris, Hollaman, Johnson, Jones of Monroe, Langford, Parsons, Penn, Pope, Prescott, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, Van Zant and Wall—24.

Nays—Mr. Dell—1.

So the Resolutions were adopted.

Ordered that the same be certified to the Senate.

The rules being waived, Mr. Speer introduced a bill to be entitled An act to hold the Courts of Orange County at Meilonsville ;

Which was read the first time, the rules waived, read a second and third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Dummett, Haddock, Harris, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to prevent white persons from gaming with negroes, or other persons of color ;

Was read the first time, and ordered to be read a second time on Wednesday next.

Senate bill to be entitled An act for the relief of J. M. Landrum ;

Was read the first time and ordered to be read a second time on Wednesday next.

Senate bill to be entitled An act to amend An act entitled An act to permanently fix the election precincts in the County of Columbia, and to repeal certain Acts therein named, approved January 8th, 1853 ;

Was read the first time, and ordered to be read a second time on Wednesday next.

Senate Resolution in relation to the improvement of St. Johns Bar, and the preservation of the Site of St. Johns Light House ;

Was read the first time, and ordered to be read a second time on Wednesday next.

A bill to be entitled An act for the relief of William R. Friar ;

Was read the second time and ordered to be read a third time on Wednesday next.

A bill to be entitled An act to amend An act entitled An act to raise a revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24, 1845 ;

Was read the second time, and ordered to be read a third time on Wednesday next.

A bill to be entitled An act to provide for the establishment and organization of the Florida Independent Blues ;

Was read the second time.

On motion, Mr. Dummett was permitted to withdraw said bill.

A bill to be entitled An act to prevent the abduction and escape of Slaves from this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to change the periods now fixed by law for the payment of Taxes and for the settlement of Tax Collectors ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Coombs, Dell, Dummett, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Parsons, Pope, Shine, Speer, VanZant and Wall—20.

Nays—Messrs. Carter, Langford, Penn, Porter, Prescott, Rowley and Thompson of Santa Rosa—7.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Mr. Carter moved that the House adjourn until Wednesday next at 11 o'clock, upon which the yeas and nays were called, and were as follows :

Yeas—Messrs. Brown, Carter, Chaires, Coombs, Galbraith, Hollaman, Johnston, Parsons, Penn, and Pope—10.

Nays—Mr. Speaker, Messrs. Baisden, Dell, Dummett, Haddock, Harris, Jones of Monroe, Jones of Nassau, Porter, Prescott, Shine, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—16.

So the House refused to adjourn.

Mr. Pope moved that the House adjourn until Tuesday morning, 10 o'clock ;

Which motion was lost.

On motion, leave of absence was granted to Messrs. Hollaman and Dismukes until Wednesday next.

A bill to be entitled An act to organize the County of Manatee ;

Came up on its second reading, and was postponed until Thursday next.

A bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Carter, Chaires, Coombs, Galbraith, Harris, Johnston, Langford, Parsons, Pope, Prescott, Shine, Speer, Thompson of Levy, and Thompson of Santa Rosa—15.

Nays—Messrs. Brown, Dell, Dummett, Haddock, Jones of Monroe, Jones of Nassau, VanZant and Wall—8.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Thompson of Levy, leave of absence was granted to Messrs. Taylor and Bellamy until Wednesday next.

A bill to be entitled An act to amend An act concerning Roads and Highways in this State;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Haddock, Harris, Johnston, Jones of Monroe, Jones of Nassau, Parsons, Penn, Pope, Porter, Prescott, Shine, Thompson of Santa Rosa, VanZant and Wall—23.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Mr. Dummett moved that the House adjourn until Wednesday morning, 10 o'clock.

On motion a call of the House was ordered, when the following members answered to their names :

Mr. Speaker, Messrs. Brown, Carter, Chaires, Coombs, Dummett, Galbraith, Harris, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Shine, Thompson of Santa Rosa, and Wall—20.

There being no quorum present, the names of the absentees were again called over, and none of them answered.

On motion, the doors were closed, and the Sergeant-at-Arms instructed to cause the appearance of the absent members.

A quorum appearing, on motion, the House adjourned until Wednesday next, 10 o'clock, A. M.

WEDNESDAY, December 27, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Kennedy officiated as Chaplain.

A quorum being present the reading of the Journal of Saturday was dispensed with.

On motion of Mr. Dummett, a bill to be entitled An act to provide for and encourage a liberal system of Internal Improvement, in this State, was placed first among the Orders of the Day.

The rules being waived, Mr. Thompson of Levy was permitted to introduce without previous notice a bill to be entitled An act to incorporate the Florida and Macon Railroad Company;

Which, the rules being waived, was read the first and second times by its title, and referred to the Committee on Internal Improvements, and 75 copies thereof ordered to be printed.

Mr. Fennell gave notice that he would on some future day ask leave to introduce a bill to more permanently locate the County Site of Holmes County.

Mr. Galbraith gave notice that he would on some future day ask

leave to introduce a bill to be entitled An act to establish the records of St. Lucie County.

The rule being waived, Mr. Dell was permitted to introduce without previous notice a bill to be entitled An act to amend the Act incorporating the Florida Railroad Company ;

Which was read the first time, the rules waived, read the second time by its title, and referred to the Committee on Internal Improvements, and 75 copies thereof ordered to be printed.

The rule being waived, Mr. Dell was permitted to introduce without previous notice, a bill to be entitled An act to grant certain property to the City of Key West ;

Which was read the first time.

Mr. Jones of Monroe objected to reception of said bill.

The Speaker decided the objection out of order, from which decision Mr. Jones of Monroe appealed.

The House sustained the decision of the Chair.

Mr. Penn moved that the rules be waived and said bill be read a second time by its title ;

Which motion was not agreed to.

The bill was then ordered to be read a second time on to-morrow.

The rules being waived, Mr. Carter was permitted to introduce without previous notice a bill to be entitled An act regulating the salaries of State officers ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Carter introduced a Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a commercial Railroad Depot ;

Which were read the first time, and ordered to be read a second time on to-morrow.

On motion, Mr. Penn was permitted to withdraw a bill to be entitled An act to improve the Harbor and Bay of Apalachicola, which had been laid on the table.

Mr. Thompson of Levy introduced the following resolution :

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators in Congress of the United States be instructed, and our Representative be requested to use their best exertions to procure the passage of An act granting to the several Counties within the State, all the sixteenth sections lying within their borders, and the funds accruing therefrom for Common School purposes instead of the townships as now provided by law.

Which was read the first time and ordered to be read a second time on to-morrow.

Mr. Thompson of Levy introduced the following resolution :

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Resolved, That the Register give information to this House what provision Congress has made in cases where sixteenth sections are on grants or valueless, and if any means have been taken to secure the benefit of such provision.

Which was adopted.

Ordered that the Register of State Lands be notified thereof.

Mr. Thompson of Levy introduced the following resolution:

Be it Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That our Senators be instructed, and our Representative be requested to urge upon the proper department, the necessity for establishing the Post route from Waukennah in Jefferson County, via Rocky Ford, Fort Fanning, Wekiva, Crystal River, Homosassa, to Bayport in Hernando County, as soon as practicable.

Which was read the first time, and ordered to be read a second time on to-morrow.

The Committee on Propositions and Grievances made the following report, which was received and read:

The Committee on Propositions and Grievances, to whom was referred a memorial of the Grand Jury of Escambia County, beg leave to

REPORT:

That they have had the same under consideration and are of opinion that to allow Captains of vessels and other transient persons to sell their commodities at the wharfs without paying a tax for the privilege, enables them greatly to undersell the regular trader, and materially interferes with his business. We therefore recommend the passage of a law to prevent such transient persons from selling their commodities without first obtaining a license.

All of which is respectfully submitted,

J. P. PENN,
Chairman.

The Committee on Finance and Public Accounts made the following report:

The Committee on Finance, to whom was referred sundry bills relating to the license on retailers,

REPORT:

That they believe the present tax conflicts with the Constitution of this State. This declares that the taxes shall be *equal* and uniform, and the inequality of the present tax on retailers, as compared with the taxes on other citizens, is too apparent to need elucidation. If the calling or pursuit of retailer is the exercise of a right in itself, or if the Legislature make it a lawful business, it cannot be taxed

more than other pursuits without violating what your Committee believe to be a plain provision of the Constitution.

But if the exercise of the calling is not the exercise of a right, or if it is made unlawful, it may be restricted by penal enactments—not by taxation. The principle of taxation is violated when it is attempted to make such an application of it. Your Committee would therefore recommend such a change in the license laws as will prevent the conflict with the Constitution, and correct this anomaly in the system of taxation. As they have examined the question in its relation to Finance only, they are not prepared to recommend the measures to control the business of retailing, but merely report against the policy and propriety of raising a revenue from this source.

The bills are reported back herewith without amendment.

Respectfully submitted,

JOHN PARSONS,

Chairman.

Which was received, and the accompanying Bills placed among the Orders of the Day.

The Committee on State Lands made the following report :

The Committee on State Lands beg leave to report the following bill: "A bill to be entitled An act for the relief of purchasers of Swamp and Internal Improvement Lands from the United States," and recommend its passage.

It is well known to most of the Committee that there are a large number of persons who have entered land from the United States, and as yet have not their titles confirmed owing to the State's location of the same lands, and have caused the necessity for a law for their relief, and as the State can in no event lose, it is to be hoped the innocent purchasers may be saved all the trouble they can by the passage of this or a similar act.

JAMES F. THOMPSON,

Chairman.

Which was received, and the accompanying bill read the first time, and ordered to be read a second time on to-morrow.

The Committee on Internal Improvements made the following report :

The Committee of the House on Internal Improvements, to whom was referred so much of the message of the Governor as relates to State Internal Improvements, have had the same under consideration and ask leave to

REPORT:

That your Committee deem it unnecessary to offer argument in support of the "system of Internal Improvements for the State," recommended by his Excellency the Governor. It is ably sustained, and its advantages and benefits clearly illustrated, in the arguments

and illustrations accompanying the recommendation—in all of which the Committee fully concur. At an early day of the session, by special invitation, your Committee, jointly with the Committee of the Senate, met in conference with the Board of Internal Improvement of the State, and were much gratified to know that the Board was in perfect harmony with his Excellency the Governor in the system proposed.

The familiarity of the Board with the subject of State Internal Improvements, then under consideration, and the confidence in the judgment and abilities of the gentlemen composing it, induced your Committee, jointly with the Senate Committee, to address a written request to the Board to prepare a bill, conforming to the general system proposed by his Excellency, for the consideration of the present General Assembly. The Board kindly yielded to the request, and have prepared a bill to be entitled “An Act to provide for and encourage a liberal system of Internal Improvements in this State,” which was submitted to his Excellency the Governor, and by him transmitted to both houses of the General Assembly. Your Committee fully concur in the provisions of the said bill, and earnestly recommend its passage.

An able and interesting report from the Board of Internal Improvements of the State accompanied the transmission of the bill to the General Assembly, which clearly illustrates the benefits and advantages to be derived from the system proposed, and furnishes much valuable data on Internal Improvements and the interests of the State, which your Committee recommend to be liberally printed and distributed at home and abroad.

All of which is respectfully submitted.

J. CARTER, *Chairman*.

Which was received and read.

The Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined the following bills and Report the same as correctly Enrolled:

A bill to be entitled An act for the relief of the Town of Quincy;

A bill to be entitled An act to permanently locate the County Site of Hernando County;

A bill to be entitled An act to organize the County of Volusia.

Respectfully submitted,

J. T. BAISDEN,
Chairman.

The following communication from the Comptroller was read:

COMPTROLLER'S OFFICE,)

Tallahassee, December 26, 1854.)

TO HON. W. F. RUSSELL,

Speaker House of Representatives:

SIR:—Agreeable to the requirements of a Resolution adopted on the 22d instant, by the House of Representatives, the Comptroller

furnishes the following estimate of the probable expenses of the State during the next Fiscal Year, viz:

For pay of Members and Officers, Printing and Contingent Expenses of General Assembly,.....	\$21,000 00
" Salaries of Public Officers,.....	20,500 00
" Contingent Expenses of State Government,.....	5,000 00
" Criminal Prosecutions and Contingent Expenses of Circuit Courts,.....	12,000 00
" Jurors and Witnesses,.....	10,000 00
" Residence of Governor,.....	500 00
" Rent of Armory,.....	250 00
" Expense of Printing Laws,.....	600 00
" Contingent Expenses of Supreme Court,.....	1,800 00
" Interest on Money borrowed,.....	2,080 00
" Expenses on Lands bought in,.....	400 00
" " of taking Census,.....	4,000 00
" " Adjourned Session of General Assembly,.....	10,000 00
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	\$88,130 00

Very respectfully,

JAMES T. ARCHER, *Comptroller*.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
TALLAHASSEE, December 22, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—I have approved and signed the following Acts :

An act entitled An act for the relief of Algernon S. Speer and Arthur Ginn ;

An act for the relief of Henry Christie and Theophilus Higginbotham ;

An act to authorize James M. Cockroff to erect a Toll Bridge across East River in the County of Walton at or near Cockroff's Ferry on said River ;

An act to empower Malcolm Nicholson to assume the management of his own estate ;

An act to authorize B. T. Jordan to build a Bridge across the Suwannee River, and for other purposes ;

An act to amend An act to provide for the payment of Jurors and State Witnesses, approved January 8th, 1848.

JAMES E. BROOME.

The following message from the Senate was read :

SENATE CHAMBER, }
December 27th, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following Bills and Resolutions, viz :

A bill to be entitled An act to Incorporate the Lagoon and Perdido Canal Company ;

A bill to be entitled An act in relation to the Institution of suits before Justices of the Peace in Santa Rosa County ;

A bill to be entitled An act granting the right of appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court ;

A bill to be entitled An act to abolish the office of State Engineer and Geologist ;

House bill to be entitled An act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses for the fiscal years 1853 and 1854 ;

House resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, and others ;

House resolutions asking that Tampa be made a Port of Entry, with the following amendments :

Strike out of the first Resolution in the last line the words “ a Port of Entry,” and substitute in lieu thereof “ a Port of Collection and Inspection ;” also, amend the title of the Resolutions, so they shall read Resolutions asking that Tampa be made a Port of Collection and Inspection ;

In which amendments the concurrence of the House of Representatives is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the House Bill and Resolutions which had passed the Senate without amendment be enrolled, and that the Senate bills and amended House Resolution be placed among the Orders of the Day.

The following bills and resolutions which had passed the House were transmitted to the Senate :

A bill to be entitled An act to hold the Courts of Orange County at Mellonville ;

A bill to be entitled An act to prevent the abduction and escape of Slaves from this State ;

A bill to be entitled An act to change the periods now fixed by law for the payment of Taxes and for the settlements of Tax Collectors ;

A bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State;

A bill to be entitled An act to amend An act concerning Roads and Highways in this State;

Senate bill to be entitled An act to empower Charles H. Longworth of Gadsden County, to manage his own estate; and

Senate Resolutions in relation to a Mail Route from Tallahassee by the way of Sopchoppy in Wakulla County to White Bluff or Pickettsville, at the mouth of Crooked River on the Apalachicola Bay.

ORDERS OF THE DAY.

A bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State;

Came up on its second reading.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said Bill—Mr. Galbraith in the Chair.

After some time spent in consideration of said Bill, the Committee rose, and by its Chairman reported progress, and asked leave to sit again;

Which report was received, and leave granted.

A Bill to be entitled An Act to amend the Act incorporating the city of St. Augustine, approved 4th February, 1833, with the Senate amendments thereto;

Came up in order, and was postponed until Saturday next.

A Resolution making appropriation for the purpose of clearing out the obstructions to the navigation of East and Yellow Rivers and Four Mile Creek, in Walton County;

Came up on its third reading, and was postponed until Monday next.

A Bill to be entitled An Act to change the name and establish the County Site of St. Lucie County;

Was read the third time, and upon the question of its passage the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Dell, Fennell, Galbraith, Haddock, Harris, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Porter, Prescott, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall

—23.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the Senate.

A Bill to be entitled An Act to incorporate Leon Lodge No. 5, I. O. O. F.;

Came up on its third reading, and was postponed until Monday next.

A Bill to be entitled An Act to amend the Fourteenth Article of the Constitution on amendments and Revision of the Constitution;

Came up on its third reading, and was postponed until Monday next.

Senate Bill to be entitled An Act to provide for the payment of the expenses of Criminals Prosecutions, and for other purposes;

Came up on its third reading, and was laid on the table.

Senate Bill to be entitled An Act to grant pre-emptions on School Lands;

Came up on its third reading.

On motion, the rules were waived, and said Bill was referred to the Committee on State Lands.

Senate Bill to be entitled An Act to amend An Act entitled An Act to incorporate the Jacksonville and Alligator Plank Road Company;

Came up on its third reading.

On motion, the rules were waived, and said Bill was referred to the Committee on Internal Improvements.

Senate Bill to be entitled An Act to change the time of holding Circuit Court of Calhoun County;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Dell, Fennell, Galbraith, Haddock, Harris, Jones of Monroe, Jones, of Nassau, Langford, Parsons, Porter, Prescott, Rowley, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—21.

Nays—None.

So the Bill passed—title as stated.

Ordered that the same be certified to the Senate.

Mr. Galbraith moved a call of the House, which was ordered.

Upon calling the roll, the following members answered to their names, viz:

Mr. Speaker, Messrs. Brown, Carter, Chaires, Dell, Fennell, Galbraith, Haddock, Harris, Jones of Monroe, Jones of Nassau, Langford, Parsons, Porter, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—20.

There not being a quorum present, the names of the absentees were called, but none answered.

The Sergeant-at-Arms was instructed to cause the appearance of the absent members.

A quorum appearing, the House resumed the consideration of the Orders of the Day.

A Bill to be entitled An Act to provide for the appointment of Inspectors of Tar and Turpentine in this State;

Was read the second time and ordered to be read a third time on to-morrow.

A Bill to be entitled An Act to amend an Act approved Novem-

ber 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

Was read the second time and referred to the Committee on Agriculture.

Senate Bill to be entitled An Act to authorize Samuel D. Howse, of Marion County, to assume the management of his estate ;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate Bill to be entitled An Act to remove the obstructions to the Navigation of the Suwannee River ;

Was read the first time and ordered to be read a second time on to-morrow.

A Resolution asking Congress to alter the provisions of the grant of Land for establishing two Seminaries of Learning in this State ;

Was read the second time.

Mr. Galbraith moved that the Resolution be laid upon the table ;

Which motion was not agreed to.

The Resolution was then ordered to be read a third time on to-morrow.

The following Bills, which had passed both houses, and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz :

An Act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

An Act to authorize Oliver H. Hearn to build a Toll Bridge across the Ocilla River ;

An Act to organize the County of Volusia ;

An Act to permanently locate the County Site of Hernando County ; and

An Act for the relief of the Town of Quincy.

Senate Bill to be entitled An Act to prevent white persons from gaming with negroes, or other persons of color ;

Was read the second time.

Mr. Penn moved that the rules be waived to permit said bill to be read a third time ;

Which motion was not agreed to.

Mr. Parsons moved that the bill be referred to the Judiciary Committee ;

Which motion was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

Senate Bill to be entitled An Act to amend an act entitled an act to permanently fix the Election Precincts in the County of Columbia, and to repeal certain acts therein named, approved January 8, 1853 ;

Was read the second time and ordered to be read a third time on to-morrow.

Senate Resolutions in relation to the improvement of St. Johns Bar, and the preservation of the Site of St. Johns Light House ;

Were read the second time, and ordered to be read a third time on to-morrow.

A Bill to be entitled An Act for the relief of William R. Friar ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Fennell, Galbraith, Harris, Jones of Monroe, Langford, Neel, Speer and Thompson of Santa Rosa—10.

Nays—Messrs. Baisden, Carter, Chaires, Christie, Dell, Dummett, Haddock, Parsons, Penn, Porter, Prescott, Rowley, Thompson of Levy, VanZant and Wall—15.

So the bill was lost.

A Bill to be entitled An Act to amend an act entitled an act to raise a Revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24, 1845 ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Carter, Dummett, Galbraith, Jones of Monroe, Parsons, Penn, Porter and Shine—9.

Nays—Messrs. Baisden, Brown, Chaires, Christie, Dell, Fennell, Haddock, Harris, Jones of Nassau, Langford, Prescott, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa and Wall—16.

So the bill was lost.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session, a quorum present.

The following bills which had passed the House, were transmitted to the Senate, viz :

A bill to be entitled An act to change the name and establish the County Site of St. Lucie County ; and

Senate bill to be entitled An act to change the time of holding Circuit Court of Calhoun County.

Senate bill to be entitled An act for the relief of James M. Landrum, Solicitor of the Western Circuit of the State of Florida ;

Was read the second time and referred to the Committee on Propositions and Grievances.

A bill to be entitled An act to adopt an equal and uniform mode of Taxation throughout the State ;

Was read the second time, and on motion, postponed until Saturday next.

A bill to be entitled An act concerning the retailing of Spirituous Liquors ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to repeal an act entitled an act to amend the several Acts concerning Licenses to retail Spirituous Liquors;

Was read the second time, and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act to incorporate the Lagoon and Perdido Canal Company;

Was read the first time and laid on the table.

Senate bill to be entitled An act in relation to the institution of suits before Justices of the Peace in Santa Rosa County;

Was read the first time, and ordered to be read a second time on to-morrow.

Senate bill to be entitled An act granting the right of appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court;

Was read the first time and ordered to be read a second time on to-morrow.

Senate Bill to be entitled An act to abolish the officer of State Engineer and Geologist;

Was read the first time, and ordered to be read a second time on to-morrow.

Resolution asking that Tampa be made a Port of Entry, with the Senate amendment thereto, came up in order.

On motion of Mr. Carter, said amendments were concurred in.

Ordered that the same be certified to the Senate.

Ordered that the Resolution as amended be enrolled.

On motion of Mr. Dell, the House reconsidered the vote rejecting a bill to be entitled An act to amend An act entitled An act to raise a revenue for the State of Florida and defining the duties of the Collectors and Assessors thereof, approved July 24th, 1845.

On motion of Mr. Dell, the House reconsidered the vote ordering said bill to be read a third time.

On motion of Mr. Parsons, said bill was referred to a Select Committee consisting of Messrs. Parsons, Shine and Galbraith.

The rules being waived, Mr. Carter gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to authorize the Supreme Court to appoint a Clerk.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

THURSDAY, December 28, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

Mr. Neel gave notice that he would on some future day ask leave to introduce a bill to be entitled An act authorizing Elijah Johnson & Co., to establish a ferry across the Chattahoochee River at Hair's Landing in Jackson County.

On motion of Mr. Dell, Mr. Speer was excused from attendance at the present session after Saturday next.

On motion of Mr. Hollaman, leave of absence was granted to Mr. Dismukes until Monday next.

Mr. Galbraith presented the petition of Otis Fairbanks, asking compensation for labor bestowed in getting out stone with a view of building steps for the Capitol ;

Which was received, and referred to the Committee on Propositions and Grievances.

Mr. Rowley presented the memorial of sundry citizens of Escambia County, asking that the Judge of Probate of said County be authorized to hold terms of Court at Warrington, and that his jurisdiction be enlarged ;

Which was read, and laid on the table.

Mr. Prescott presented the petition of sundry citizens of Duval County, asking a repeal or modification of the tax upon foreign Bank Agencies ;

Which was read, and referred to the Committee on Finance and Public Accounts.

The following message from the Senate was read :

SENATE CHAMBER, }
December 28, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has concurred in the House amendments to Senate bill to be entitled An act in relation to Pilotage at the Port of Key West.

The Senate has refused to concur in one of the House amendments to Senate bill to be entitled An act in relation to slaves and free persons of color, viz:

Strike out the words "ten dollars" in the 26th line of the second section, and insert in lieu thereof "one hundred dollars and thirty day's imprisonment, or thirty-nine stripes on their bare back;" and has concurred in the other amendment proposed;

The Senate has refused to concur in the House amendments to Senate bill entitled An act governing Judges of Probate in certain cases ;

And has also refused to concur in one of the House amendments to Senate bill to consolidate the office of Sheriff and Tax Assessor and Collector in Jackson County, viz: "Strike out section 4," and has concurred in the House amendment to the title of said bill.

The following bills and resolutions have passed the Senate, viz :

A bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the times and places for holding the terms thereof ;

A bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West ;

A bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County ;

House bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes, without amendment ;

House resolution asking Congress to declare Indian River a Port of Delivery, without amendment ;

House resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes, without amendment ;

House resolution requesting an order from the Secretary of War to the Indian Agent in Florida for the delivery of a negro man belonging to B. M. Dell of Florida, without amendment ;

House bill to be entitled An act for the relief of John Sapp of Madison County, without amendment ; and

House bill to be entitled An act in relation to Pilotage at the Port of Bayport.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills and resolutions be enrolled, and the Senate bills be placed among the Orders of the Day.

Mr. Dell introduced a resolution relative to copying the laws of the present session ;

Was read the first time, and ordered for a second reading on to-morrow.

Mr. Dell offered the following resolution :

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That both Houses of this General Assembly adjourn on Thursday the 10th day of January, 1855, to meet again on the first Monday in November, 1855 ;

Which was read the first time and ordered to be read a second time on to-morrow.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined the following bills and find the same correctly Enrolled :

Resolutions authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues and others ;

A Bill to be entitled An act making additional appropriations to

defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854;

Resolutions asking that Tampa be made a Port of Collection and Inspection.

Respectfully submitted.

J. T. BAISDEN,

Chairman.

The Select Committee to whom was referred a bill to be entitled An act to extend political equality to Ignatio Phalez and others, made the following Report:

The Select Committee to whom was referred "a bill to be entitled An act to extend political equality to Ignatio Phalez and others," have had the same under consideration, and ask leave to

REPORT:

That the Preamble to the Bill sets forth the fact that the persons to whom this bill proposes to extend the rights of political equality are natives of Florida, born of White and Indian blood, and are considered well worthy to become citizens of this State. The Constitution of the State provides that "free white persons" only, shall be admitted to citizenship, and the question arises, would an act extending political equality to the persons named in the bill, be constitutional? Your Committee are of the opinion that the framers of the Constitution, in the above provision, merely had in view the exclusion of negroes and persons of African blood from all political rights; for which exclusion the reason is obvious. There is no reason, however, why persons who have Indian blood in their veins should, for that cause be forever excluded from the privileges of citizenship, and we do not think that that can be the design of the constitutional provision. As to who are or who are not "white persons," within the technical meaning of the term, your committee cannot at present discuss. It is a scientific question, the discussion of which would require more space and time than would be proper in this place.

As to the policy of the act, your Committee are of the opinion that it is just and republican. Several of the States in the Union have admitted persons of Indian blood to the rights of citizenship. The whole genius and spirit of our government is in accordance with the principle that all free men should have a voice in selecting their rulers, and means to protect themselves politically, when it does not clearly endanger the rights and interests of the majority. Taxation without representation is unjust, and nothing but necessity can justify it. It is not good policy to have in the State people worthy to become citizens, who have no interest in the government, but look upon it as a proscribing, inconsistent tyranny. Some of the brightest intellects that our country has produced have been those descended

from White and Indian blood. Your committee report the bill back to the House and recommend that it do pass.

J. B. GALBRAITH,
JNO. PARSONS.

Which was received, and the bill placed among the Orders of the Day.

Mr. Rowley, from the same Committee, made the following minority Report :

The undersigned, one of the Committee to whom was referred a bill entitled An Act to extend political equality to Ignatio Phalez and others, begs leave to make the following

MINORITY REPORT:

1st. Upon the ground of its unconstitutionality. Article Third of Amendments to the Constitution of Florida reads thus: "Every free white male person of the age of twenty-one years and upwards," &c., shall be entitled to the rights of citizenship. Article Fourth of the Constitution, Section Fourth, reads: "No person shall be a Representative, unless he be a white man," &c. Section Fifth of the same Article reads: "No man shall be a Senator, unless he be a white man," &c. Now, the question arises, what is a white man? Is a mixed blood of any description white, be it a cross of African or Indian? This is the question to be decided. It is a delicate one for the members of this House to say a half breed of any kind or quality, be it a Griffe, Mulatto, Quadroon or an Indian cross, is white. It is true that there may be a great difference of opinion upon the subject, but I ask the members of this House to pause and consider one moment before they open the flood-gate wide to this innovation upon the Constitution. If it is done in this instance, why not in others? And the next bill that will be introduced will be an appeal to the "higher law doctrine." For my part, I am fully convinced that the framers of the Constitution used the word "white" to exclude all mixed blood from the rights of franchise.

2d. This body has no right or authority to naturalize or to extend the rights of political equality to any person, under the provisions of our Constitution. Congress alone has the right to frame all laws of naturalization, and under those laws foreigners are admitted to the rights of citizenship. Now, where is the clause in the Constitution allowing this body to virtually naturalize a half breed born in this State, or in any other? It is not denied but what Congress has admitted the citizens of those Territories which have been lately acquired to the right of franchise, but when those Territories are admitted into the Union, they frame a Constitution which designates those who shall have such rights. Even under our Territorial laws the word "white" was used: see Chapter 675, Section 19 of the Territorial Laws of Florida, which reads thus: "That all white inhabit-

ants, citizens of the United States," &c., shall be entitled to the rights of citizenship.

3d. It has been urged as a pretext for the passage of this Bill, that the respectable citizens of Hillsborough have admitted these half breeds to a scale of social equality. This is the only plea that is urged for its passage. What an idea! If the citizens of Hillsborough see proper to admit a Quadroon to those privileges—and I presume there can be pointed out many of that class who have good educations and have sprung from the best white blood in the State—is it to follow, as a matter of course, that this body shall enact laws whereby they are placed upon terms of political equality with *white* men of the State?

All of which is respectfully submitted.

LYMAN W. ROWLEY,
One of the Committee, &c.

Which was received.

The following report was received:

The Select Committee to whom was referred a petition from numerous citizens of Duval County, have had the same under consideration, and recommend that the prayer of the said petitioners be heard, and the passage of the accompanying bill.

Respectfully submitted,
D. C. PRESCOTT,
J. T. BAIDEN,
ELIJAH WALL.

Which was read, and the accompanying bill to be entitled An act to organize the County of Haynes;

Was read the first time, and ordered for a second reading on to-morrow.

The following report was received and read:

The Select Committee to whom was referred a bill in reference to the sale of lands for taxes,

REPORT:

That they recommend that the bill be passed with the following amendment:

Add to the second section the following, "provided that minors or others under legal disability, residing within the State, shall not lose the remedy of redemption, now provided by law, through the neglect of their Guardians, or from the want of such Guardians."

Respectfully submitted,
J. NO. PARSONS,
J. B. GALBRAITH,
R. A. SHINE.

Ordered that the accompanying bill be placed among the Orders of the Day.

ORDERS OF THE DAY.

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game, within the limits of this State, and for other purposes ;

Was read the second time, and referred to a Select Committee consisting of Messrs. Carter, Shine and Rowley.

A bill to be entitled An act to organize the County of Manatee ;

Was read the second time, and ordered for a third reading on to-morrow.

A bill to be entitled An act to cede certain property to the City of Key West ;

Was read the second time, and on motion of Mr. Jones of Monroe, said bill was referred to the Judiciary Committee, and the Committee authorized to send for persons and papers.

A bill to be entitled An act regulating the salaries of State Officers ;

Was read the second time, and referred to a Select Committee consisting of Messrs. Dell, Carter, Shine, Penn and Haddock.

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot ;

Were read the second time, and ordered to be engrossed for a third reading on to-morrow.

Resolution in relation to Mail Routes ;

Was read the second time, the rule waived read a third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Fennell, Galbraith, Haddock, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Neel, Parsons, Penn, Pope, Porter, Prescott, Rowley, Speer, Taylor, Thompson of Levy, VanZant and Wall—28.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

Resolution asking Congress to grant to the several Counties the sixteenth Sections lying within their limits ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act for the relief of purchasers of Swamp and Internal Improvement Lands from the United States ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State ;

Came up in order, and on motion, the House resolved itself into a

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Committee of the Whole for the further consideration of said bill, Mr. Galbraith in the Chair;

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported progress and asked leave to sit again.

Which report was received, and leave granted.

On motion, said bill was placed first among the Orders of the Day for to-morrow.

A bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Carter, Chaires, Christie, Coombs, Galbraith, Harris, Hollaman, Langford, Parsons, Pope, Porter, Rowley, Shine and Taylor—16.

Nays—Messrs. Baisden, Bowers, Brown, Dell, Fennell, Haddock, Neel, Prescott, Speer, Thompson of Levy, Thompson of Santa Rosa and Wall—12.

So said bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to authorize Samuel D. Howe to assume the management of his own estate;

Was read the second time and referred to the Judiciary Committee.

Senate bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River;

Was read the second time, and referred to the Committee on Internal Improvements.

Resolution asking Congress to alter the provisions to the grant of land for establishing two Seminaries of Learning in this State;

Came up on its third reading, and was postponed until Monday next.

Senate bill to be entitled An act to prevent White persons from gaming with Negroes or other persons of Color;

Was read the third time, and put upon its passage, upon which the vote was;

Yeas—Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaires, Christie, Dell, Fennell, Galbraith, Haddock, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Rowley, Speer, Taylor, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to amend An act entitled An act to permanently fix the election precincts in the County of Columbia

and to repeal certain Acts therein named, approved January 8, 1853;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Bellamy, Bowers, Brown, Carter, Chaires, Dell, Fennell, Galbraith, Haddock, Harris, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Porter, Prescott, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—24.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate Resolutions in relation to the improvement of St. Johns Bar, and the preservation of the Site of the St. Johns Light House;

Were read the third time and put upon their passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Bowers, Brown, Carter, Chaires, Christie, Coombs, Fennell, Galbraith, Harris, Hollaman, Jones of Monroe, Langford, Neel, Parsons, Porter, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—25.

Nays—None.

So the Resolutions were adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act concerning the retailing of spirituous liquors;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Christie, Coombs, Fennell, Galbraith, Harris, Hollaman, Jones of Monroe, Neel, Parsons, Penn, Pope, Prescott, Rowley, Speer, Taylor, Thompson of Santa Rosa and Wall—21.

Nays—Messrs. Bowers, Brown, Chaires, Dell, Jones of Nassau, Langford, Porter, Shine, Thompson of Levy and VanZant—10.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend the several acts concerning licenses to retail spirituous liquors;

Was read the third time, and upon the question of its passage, the vote was:

Yeas—Messrs. Brown, Carter, Chaires, Dell, Fennell, Haddock, Jones of Nassau, Langford, Parsons, Porter, Prescott, Thompson of Levy, VanZant and Wall—14.

Nays—Mr. Speaker, Messrs. Christie, Coombs, Dummett, Galbraith, Harris, Hollaman, Jones of Monroe, Neel, Penn, Pope, Rowley, Shine, Taylor and Thompson of Santa Rosa—15.

So the bill was lost.

Senate bill to be entitled An act in relation to the institution of suits before Justices of the Peace in Santa Rosa County;

Was read the second time and ordered to be read a third time on to-morrow.

Senate bill to be entitled An act granting the right of appeal from the Judges and orders of the Board of County Commissioners to the Circuit Court;

Was read the second time and referred to the Judiciary Committee.

Senate bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the time and place for holding the terms thereof;

Was read the first time.

On motion of Mr. Galbraith, the rule was waived, and said bill was read a second time by its title.

Mr. Dell moved that said bill be indefinitely postponed;

Upon which the yeas and nays were called for by Messrs. Rowley and Dell, and were as follows:

Yeas—Mr. Speaker, Messrs. Carter, Coombs, Dell, Dummett, Galbraith, Harris, Hollaman, Jones of Monroe, Parsons, Pope, Prescott, Taylor, Thompson of Levy, VanZant and Wall—16.

Nays—Messrs. Bowers, Brown, Chaires, Christie, Fennell, Jones of Nassau, Langford, Neel, Porter, Rowley, Shine, Speer and Thompson of Santa Rosa—13.

So the bill was indefinitely postponed.

Ordered that the same be certified to the Senate.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session. A quorum present.

The following bills and resolutions which had passed both Houses of the General Assembly, and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz:

An act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854;

Resolutions asking that Tampa be made a Port of Collection and Inspection; and

Resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, and others.

Senate bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County;

Was read the first time and ordered for a second reading on to-morrow.

Senate bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West;

Was read the first time and ordered for a second reading on to-morrow.

Senate Bill to be entitled An act to abolish the office of State Engineer and Geologist ;

Was read the second time.

Mr. Carter moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called by Messrs. Shine and Dell, and were as follows :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Dell, Dummett, Galbraith, Harris, Haynes, Johnston, Parsons, Pope, Prescott, Taylor, Thompson of Levy, VanZant and Wall—17.

Nays—Messrs. Brown, Chaires, Christie, Fennell, Haddock, Hollaman, Jones of Nassau, Neel, Rowley, Shine, and Thompson of Santa Rosa—11.

So the Bill was indefinitely postponed.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to extend Political Equality to Ignatio Phalez and others ;

Was read the second time, and ordered to be read a third time on to-morrow.

A Bill to be entitled An Act to amend An Act entitled An Act to raise a Revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24, 1845 ;

Was read the second time.

On motion, the amendment recommended by the Committee to whom said Bill was referred, was concurred in, and the Bill ordered to be read a third time on to-morrow.

Senate Bill to be entitled An Act in relation to Slaves and Free Persons of Color, with the House amendment thereto, in which the Senate had refused to concur ;

Was taken up for consideration.

Mr. Thompson of Levy moved that the bill and amendments be indefinitely postponed, upon which the yeas and nays were called and were as follows :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Carter, Christie, Coombs, Dell, Fennell, Galbraith, Haddock, Hollaman, Johnston, Jones of Monroe, Langford, Neel, Parsons, Prescott, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—24.

Nays—Messrs. Baisden, Chaires, Dummett, Harris, Haynes, Jones of Nassau and Pope—7.

So the bill and amendment were indefinitely postponed.

Ordered that the same be certified to the Senate.

Senate bill to consolidate the office of Sheriff and Tax Assessor

and Collector of Jackson County, with the House amendment thereto, in which the Senate had refused to concur, came up in order.

The House refused to recede from said amendment, and on motion, Messrs. Galbraith, Neel and Parsons were appointed a Committee on the part of the House to confer with a similar Committee on the part of the Senate in relation to said bill and amendment.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled, An Act governing Judges of Probate in certain cases, with the House amendment thereto, in which the Senate had refused to concur ;

Came up in order.

The House refused to recede from said amendment.

On motion, Messrs. Pope, Dell and Fennell were appointed a Committee on the part of the House to confer with a similar Committee on the part of the Senate, in relation to said Bill and amendment.

On motion of Mr. Dell, the House reconsidered the vote ordering a Bill to be entitled An Act to provide for and encourage a liberal system of Internal Improvements in this State, to be placed among the Orders of the Day for to-morrow.

On motion, the House resolved itself into a Committee of the Whole for the further consideration of said Bill, Mr. Galbraith in the Chair.

After some time spent in consideration thereof, the Committee rose and by its Chairman reported the Bill back to the House with amendments, and asked to be discharged ;

Which report was received, and the amendments concurred in.

Mr. Carter moved to amend the Bill by striking out the word "Tampa" wherever it occurs in said Bill, and inserting the word "Hillsborough" in lieu thereof ;

Which amendment was not agreed to.

Mr. Rowley moved to amend the Bill by striking out the words "Pensacola Bay" wherever they occur in said Bill, and inserting the words "City of Pensacola" in lieu thereof ;

Which amendment was not agreed to.

The Bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Dummett moved that the House adjourn until to-morrow morning, 10 o'clock ;

Which was not agreed to.

On motion the use of the Representative Hall was granted to Mr. Sweeny for the purpose of giving a Concert to-night.

On motion the House adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, December 29, 1854.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion the reading of the Journal of yesterday was dispensed with.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State ;

A bill to be entitled An act concerning the retailing of Spirituous Liquors ;

Resolution in relation to Mail Route ;

Senate bill to be entitled An act to prevent White persons from gaming with Negroes or other persons of Color ;

Senate bill to be entitled An act to amend An act entitled An act to permanently fix the election precincts in the County of Columbia, and to repeal certain Acts therein named, approved January 8, 1853 ; and

Senate resolution in relation to the improvement of St. John's Bar, and the preservation of the Site of St. John's Light House ;

Mr. Galbraith presented the petition of A. A. Fisher, administrator, and Elizabeth Levinus, asking the passage of a bill for their relief ;

Which was read and referred to a Select Committee consisting of Messrs. Galbraith, Thompson of Levy and Fennell.

Pursuant to previous notice, Mr. Pope introduced a bill to be entitled An act in relation to the selection of Grand and Petit Jurors ;

Which was read the first time, the rule waived, read the second time by its title, and 75 copies thereof ordered to be printed.

Pursuant to previous notice, Mr. Thompson of Santa Rosa introduced the following bills, viz :

A bill to be entitled An act to amend the Laws now in force in this State relating to Divorces, approved by the Governor, January 8th, 1853, and to revive the Laws as they stood before ;

A bill to be entitled An act to authorize Benjamin Marshall to charge Wharfage in the Town of Milton ;

A bill to be entitled An act to amend An act securing liens to Mechanics, Overseers, and others ;

Which were read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Bowers introduced a bill to be entitled An act to prevent planting without a fence in Walton County ;

Which was read the first time, and ordered to be read a second time on to-morrow.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
December 23d, 1854. }

To the Hon. WM. F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I respectfully submit the following nominations for the advice and consent of the General Assembly:

For the County of Duval:

Auctioneers—William Ledwith and George H. Smith.

For Jackson County:

Auctioneers—W. A. Whitfield and Geo. W. Tillinghast.

For Hamilton County:

Auctioneer—William T. Purviance.

For Hillsborough County:

Auctioneer—Madison Post.

For Orange County:

Auctioneer—Douglas Dummett.

For St. John's County:

Auctioneer—R. B. Canova.

For Marion County:

Auctioneer—E. D. Howae.

For Monroe County:

Auctioneer—R. L. Hicks.

JAMES E. BROOME.

On motion of Mr. Carter, the nomination for Hillsborough County was laid on the table.

Mr. Speer moved that the nomination for Orange County be laid on the table;

Which was not agreed to.

On motion of Mr. Haddock, the nomination for Hamilton County was laid on the table.

On motion, the nominations for the Counties of Duval, Jackson, Orange, St. Johns, Marion and Monroe, were advised and consented to.

The Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined the following resolutions and bills, and report the same as correctly enrolled:

A resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a negro man belonging to B. M. Dell of Florida;

Resolution asking Congress to declare Indian River a Port of Delivery;

A bill to be entitled An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes ;

A bill to be entitled An act for the relief of John Sapp of Madison County ;

A bill to be entitled An act in relation to Pilotage at the Port of Bayport ;

A Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes.

All of which is respectfully submitted,

J. T. BAISDEN,
Chairman.

The following Message from the Senate was read :

SENATE CHAMBER, Dec. 29, 1854.

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following Bill, viz :

House Bill to be entitled An Act to hold the Courts of Orange County at Mellouville without amendment.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the bill be enrolled.

ORDERS OF THE DAY.

A bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State ;

Was read the third time by its title.

The rule being waived to permit Mr. Russell to offer an amendment to the bill, Mr. Russell moved to amend the 17th section by striking out all between the word "each" in the 8th line, and the word "and" in the 10th line, and by striking out the word "four" wherever it occurs in the 13th line, and inserting the word "eight" in lieu thereof ;

Which amendment was not agreed to.

The rule being waived to permit Mr. Pope to offer an amendment, Mr. Pope moved to amend the 16th section by striking out the words "and the said Trustees shall adopt a liberal system of sale for actual settlement and cultivation, not allowing pre-emptions for more than one section of land to any one actual settler," and inserting in lieu thereof the following :

And the said Trustees shall encourage actual settlement and cultivation of said lands by allowing pre-emptions under such rules and regulations as they may deem advisable : *Provided*, That in no case shall a pre-emption for more than one section of land be granted to any one settler ;

Which amendment was agreed to.

The bill was then put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Shine, Speer, Taylor, Thompson of Levy, VanZant and Wall—30.

Nays—Messrs. Bowers, Neel, Porter, Rowley and Thompson of Santa Rosa—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Resolution relative to copying the laws of the present session ;

Was read the second time, the rule waived, read the third time by its title, and upon the question of its passage, the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Monroe, Neel, Parsons, Penn, Pope, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—27.

Nays—Mr. Johnston—1.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State, which had passed the House, was transmitted to the Senate.

Resolution relative to the adjournment of the General Assembly ;

Was read the second time.

Mr. Dell moved a call of the House ;

Which was ordered.

Upon calling the roll, the following members answered to their names, viz :

Mr. Speaker, Messrs. Bellamy, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Neel, Parsons, Penn, Pope, Porter, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall.

On motion of Mr. Harris, further proceedings under the call were dispensed with.

Mr. Dell moved that the House adjourn until to-morrow, 10 o'clock, A. M.

Upon which motion, the yeas and nays were called by Messrs. Carter and Dell, and were as follows :

Yeas—Messrs. Shine and Thompson of Levy—2.

Nays—Mr. Speaker, Messrs. Baisden, Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Had-

dock, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Penn, Pope, Porter, Prescott, Speer, Taylor, Thompson of Santa Rosa and Wall—29.

So the House refused to adjourn.

Mr. Carter moved that the resolution be postponed until Wednesday next;

Upon which motion the yeas and nays were called by Messrs. Dell and Speer, and were as follows:

Yeas—Messrs. Brown, Carter, Chaires, Christie, Coombs, Dummett, Galbraith, Harris, Johnston, Penn and Pope—11.

Nays—Messrs. Baisden, Bellamy, Bowers, Dell, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Porter, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa, and Wall—21.

So the House refused to postpone the Resolution.

Mr. Pope offered the following as a substitute for the resolution:

Be it resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That no Bill or Resolution shall be introduced in either branch of the General Assembly after Saturday, the sixth day of January, 1855.

Upon the adoption of which, the yeas and nays were called and were as follows:

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Coombs, Dummett, Galbraith, Harris, Johnston, Langford, Parsons, Penn, Pope and Porter—15.

Nays—Messrs. Baisden, Bellamy, Bowers, Dell, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Neel, Prescott, Rowley, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—18.

So the substitute was rejected.

Mr. Parsons moved to amend the Resolution by striking out the word "first," and inserting the word "fourth;"

Which amendment was agreed to.

Mr. Thompson of Levy moved to strike out "10th" and insert "22d;"

Which was not agreed to.

Mr. Pope moved to strike out "10th" and insert "13th;"

Which was agreed to.

Mr. Shine moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which motion was not agreed to.

Mr. Dell moved that the House take a recess until 3 o'clock, P. M.;

Which was not agreed to.

Mr. Harris moved that the resolution be indefinitely postponed;

Upon which motion the yeas and nays were called for by Messrs. Dell and Carter, and were as follows:

Yeas—Mr. Speaker, Messrs. Carter, Christie, Coombs, Harris, Johnston and Taylor—7.

Nays—Messrs. Baisden, Bellamy, Bowers, Brown, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa, VanZant and Wall—23.

So the House refused to postpone the resolution indefinitely.

Mr. Carter moved to amend the Resolution by adding "and the adjourned session shall be held at Tampa."

Mr. Dummett moved to amend the amendment by striking out "Tampa" and inserting "Bayport;"

Which was not agreed to.

The question being taken upon the amendment proposed by Mr. Carter, upon a *viva voce* vote, the Speaker decided that the amendment had been agreed to.

A division being called, the Speaker decided that it was not in order to call for a division after the decision of the Speaker had been announced.

Mr. Dell appealed from the decision of the Chair, and upon the question "shall the decision of the Chair be sustained?" the yeas and nays were called, and were as follows:

Yeas—Messrs. Brown, Carter, Chaires, Coombs, Galbraith, Harris, Johnston, Parsons, Penn, Pope, Prescott, Shine, Taylor and Thompson of Levy—14.

Nays—Messrs. Baisden, Bellamy, Bowers, Dell, Dummett, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Porter, Rowley, Speer, Thompson of Santa Rosa, VanZant and Wall—19.

So the decision of the Chair was not sustained.

The question being again taken upon the amendment proposed by Mr. Carter, the yeas and nays were called for by Messrs. Dell and Langford, and were as follows:

Yeas—Messrs. Brown, Carter, Coombs, Harris, Parsons, Penn, Pope and Thompson of Levy—8.

Nays—Messrs. Baisden, Bellamy, Bowers, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Santa Rosa, VanZant and Wall—23.

So the amendment was not agreed to.

Mr. Shine moved to amend the resolution by striking out all after the word "January;"

Pending the consideration of which, on motion of Mr. Bowers, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session, a quorum present.

The following Bills and Resolutions which had passed both Houses of the General Assembly, and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz :

An act in relation to Pilotage at the Port of Bay Port ;

An act for the relief of John Sapp of Madison County ;

An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes ;

Resolution requesting an order from the Secretary of War to the Indian Agent in Florida, for the delivery of a Negro man belonging to B. M. Dell of Florida ;

Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes ; and

Resolution asking Congress to declare Indian River a Port of Delivery.

Resolution relative to the adjournment of the General Assembly came up in order.

The amendment proposed by Mr. Shine to strike out all after the word "January" was not agreed to ;

Mr. Pope moved to amend the Resolution by striking out the words "Thursday the 13th" and insert "Monday the 15th ;"

Which was not agreed to.

Mr. Parsons moved to amend the Resolution by striking out the words "Thursday the 13th" and insert "Thursday the 11th."

The question being taken upon striking out it was agreed to.

Mr. Galbraith moved that the Resolution be laid upon the table ;

Upon which motion the yeas and nays were called for by Messrs. Dell and Carter, and were as follows :

Yeas—Messrs. Brown, Carter, Chaires, Coombs, Galbraith, Harris, Johnston, Parsons, Penn, Pope, Shine and Taylor—12.

Nays—Messrs. Baisden, Bowers, Dell, Dummett, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Porter, Prescott, Rowley, Spear, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—20.

So the House refused to lay the Resolution on the table.

Mr. Carter moved that the Resolution be referred to the Committee on Propositions and Grievances, upon which motion the yeas and nays were called for by Messrs. Dell and Fennell, and were as follows :

Yeas—Messrs. Brown, Carter, Chaires, Coombs, Galbraith, Harris, Johnston, Parsons, Pope and Shine—10.

Nays—Messrs. Baisden, Bowers, Dell, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Penn,

Porter, Prescott, Rowley, Thompson of Levy, Thompson of Santa Rosa, Vanzant and Wall—19.

So the House refused to refer the resolution to the Committee on Propositions and Grievances.

Mr. Parsons moved that the resolution be postponed until Monday next;

Which was not agreed to.

Mr. Harris offered the following as a substitute for the original resolution :

Resolved by the House, the Senate concurring, That the two Houses adjourn on the third day of January, 1855, to assemble again on the 4th Monday in November, 1855.

Mr. Rowley moved that the House adjourn until to-morrow, 10 o'clock, A. M. ;

Which was not agreed to.

Mr. Thompson of Levy moved to amend the substitute by striking out "third" and inserting "twenty-second."

Upon the question of striking out, the yeas and nays were called for by Messrs. Harris and Carter, and were as follows :

Yeas—Messrs. Brown, Galbraith, Johnston, Parsons and Thompson of Levy—5.

Nays—Messrs. Baisden, Bowers, Carter, Chaires, Coombs, Dell, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Rowley, Speer, Thompson of Santa Rosa and Wall—22.

So the House refused to strike out the word "third."

Mr. Rowley moved that the substitute be laid on the table ;

Upon which motion the yeas and nays were called for by Messrs. Harris and Pope, and were as follows :

Yeas—Messrs. Baisden, Bowers, Brown, Dell, Fennell, Haddock, Jones of Nassau, Pope, Rowley, Thompson of Santa Rosa and Vanzant—11.

Nays—Messrs. Carter, Chaires, Coombs, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Monroe, Langford, Neel, Parsons, Penn, Prescott, Speer, Thompson of Levy and Wall—17.

So the House refused to lay the substitute on the table.

Mr. Carter moved that the House adjourn until to-morrow, 10 o'clock, A. M. ;

Which was not agreed to.

Mr. Rowley moved that the House take a recess until 7 o'clock, P. M. ;

Which motion was not agreed to.

Mr. Rowley moved that the substitute be indefinitely postponed ;

Upon which motion, the yeas and nays were called for by Messrs. Harris and Pope, and were as follows :

Yeas—Messrs. Baisden, Bowers, Dell, Fennell, Haynes, Holla-

man, Johnston, Jones of Nassau, Langford, Neel, Prescott, Rowley, Thompson of Santa Rosa, VanZant and Wall—15.

Nays—Messrs. Brown, Chaires, Coombs, Galbraith, Harris, Parsons, Penn, Pope and Thompson of Levy—9.

So the substitute was indefinitely postponed.

Mr. Pope moved that the resolution be postponed until next Monday week;

Which was not agreed to.

Mr. Parsons moved that the resolution be postponed until next Tuesday week;

Which was not agreed to.

Mr. Pope moved that the resolution be postponed until next Wednesday week;

Which was not agreed to.

Mr. Pope moved that the resolution be postponed until next Thursday week;

Which was not agreed to.

Mr. Dell moved that the blank in the resolution be filled with the words "Thursday the 11th."

Mr. Shine moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which was not agreed to.

Mr. Pope moved that the House adjourn until to-morrow, 9 o'clock, A. M.;

Which was not agreed to.

Mr. Pope moved that the House adjourn until to-morrow, 11 o'clock, A. M.;

Which was not agreed to.

Mr. Harris moved that the House adjourn until to-morrow, at 10½ o'clock, A. M.;

Upon which motion, the yeas and nays were called for by Messrs. Rowley and Parsons, and were as follows:

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Coombs, Galbraith, Harris, Johnston, Langford, Parsons, Penn, Pope and Taylor—12.

Nays—Messrs. Baisden, Bowers, Dell, Fennell, Haddock, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Neel, Prescott, Rowley, Speer, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—17.

So the House refused to adjourn.

Mr. Haddock moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which was not agreed to.

On motion of Mr. Pope, the House adjourned until five minutes past 9 o'clock, to-morrow morning.

SATURDAY, December 30, 1854.

The House met pursuant to adjournment.

On motion, the reading of the Journal of yesterday was dispensed with.

On motion of Mr. Galbraith, leave of absence was granted to the Chaplain for one week from yesterday.

The rule being waived, Mr. Harris was permitted to introduce, without previous notice, a bill to be entitled An act to amend An act to provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Hollaman moved that the House reconsider the vote of Thursday indefinitely postponing Senate bill to be entitled An act to regulate the performance of the duties of the Supreme Court of this State, and to change the time and place for holding the terms thereof.

The Speaker decided the motion out of order.

Mr. Shine appealed from the decision of the Chair.

The House sustained the decision of the Chair.

Pursuant to previous notice, Mr. Galbraith introduced a bill to be entitled An act to provide for the re-establishment of the Records of St. Lucie County;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Haynes gave notice that he would on some future day ask leave to introduce a bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws of this State.

Pursuant to previous notice, Mr. Neel introduced a bill to be entitled An act to authorize Elijah Johnson & Co., to establish a ferry across the Chattahoochee River;

Which was read the first time, and ordered to be read a second time on Monday next.

Pursuant to previous notice, Mr. Haynes introduced a bill to be entitled An act to regulate Pilotage on the Bar of the River St. John's;

Which was read the first time, and ordered to be read a second time on Monday next.

Mr. Carter gave notice that he would, on some future day, ask leave to introduce the following bills, viz:

A bill to be entitled An act granting privilege to the Cuba and United States Submarine and Territorial Magnetic Telegraph Company, and for other purposes; and

A bill to be entitled An act to amend the act amendatory of the Act to organize the Supreme Court of the State.

Mr. Hollaman presented the proceedings of a public meeting in the Town of Quincy, and the Preamble and Resolutions adopted at said meeting, presenting the claims of Quincy and its vicinity for the establishment there of the Seminary to be located west of the Suwannee River;

Which was read, and referred to a Select Committee, consisting of Messrs. Hollaman, Galbraith, Rowley, Pope and Neel.

Mr. Harris offered a Resolution to bring on the election of State Officers;

Which was read the first time, the rule waived, read the second and third time and adopted.

Ordered that the same be certified to the Senate.

Mr. Taylor introduced a Resolution to provide for the distribution of the Acts and Journals of the present General Assembly;

Which was read the first time, and ordered to be read a second time on Monday next.

Resolution relative to copying the Laws of the present Session, which had passed the House, was transmitted to the Senate.

ORDERS OF THE DAY.

Resolution relative to the adjournment of the General Assembly;
Came up in order.

On motion of Mr. Pope, the blank was filled with the words "Saturday the 13th."

On motion of Mr. Parsons, the Resolution was made the Special Order of the Day for Wednesday next.

A bill to be entitled An act to adopt an equal and uniform mode of Taxation throughout the State;

Came up on its second reading.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said Bill, Mr. Galbraith in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported the Bill back to the House with amendments.

Which report was received and the amendments concurred in.

Mr. Rowley moved that the bill be indefinitely postponed;

Upon which motion, the yeas and nays were called for by Messrs. Galbraith and Thompson of Levy, and were as follows:

Yeas—Messrs. Bowers, Brown, Fennell, Hollaman, Johnston, Jones of Monroe, Langford, Neel, Penn, Rowley, and Thompson of Santa Rosa—11.

Nays—Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dell Dummett, Galbraith, Harris, Haynes, Jones of Nassau, Parsons, Pope, Porter, Prescott, Taylor, Thompson of Levy, VanZant and Wall—19.

So the House refused to postpone said bill indefinitely.

On motion of Mr. Hollaman, the bill was postponed until Tuesday next.

The following message from the Senate was read :

SENATE CHAMBER, }
December 30th, 1854. }

Hon. Speaker of the

House of Representatives :

SIR :—The following Bills and Resolutions have passed the Senate, viz :

A Bill to be entitled An act to create a State Librarian ;

A Bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State ;

A Bill to be entitled An act in relation to the election of County Commissioners in Gadsden County ;

House Bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola, without amendment ;

House Bill to be entitled An act for the relief of William R. Hayward and others, without amendment ;

House Bill to be entitled An act to legalize the proceedings of the Judge of Probate of St. Lucie County, without amendment ;

House bill to be entitled An act to amend an act concerning Roads and Highways now in force in this State, without amendment ;

House Resolutions making appropriation for repairs on the Capitol ;

House Resolution relative to extra compensation of the clerk in the office of Comptroller of Public Accounts, has been lost in the Senate ;

Also House Bill to be entitled An act to change the periods now fixed by law for the payment of Taxes, and for the settlement of Tax Collectors, has been lost in the Senate ;

And the Senate has indefinitely postponed House bill to be entitled An act to define the boundary line of Duval and Nassau Counties.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bill which had passed the Senate be enrolled, and the Senate bills be placed among the Orders of the Day.

The following message from the Senate was read :

SENATE CHAMBER, Dec. 30th, 1854.

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has appointed Messrs. Hopkins, Gillis and Long, a Committee on the part of the Senate to confer with a similar Committee appointed by the House of Representatives, in relation to House

amendments to Senate Bill entitled An act governing Judges of Probates in certain cases;

The Senate has ordered to be printed, seventy five copies of the following bill, viz :

House Bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Also the following :

SENATE CHAMBER, December 30, 1854.

Hon. Speaker of the House of Representatives :

SIR :—The Senate has passed the following bills, viz :

House bill to be entitled An act to provide for the relinquishment to the United States in certain cases, title to and jurisdiction over lands for sites of Light Houses and for other purposes on the coast and waters of this State, with the following amendments, viz :

Strike out the word "Twenty" in the fifth line of the 1st Section and insert in lieu thereof the word "Four."

And House bill to be entitled An act to prevent the abduction and escape of slaves from this State, with the following amendments, viz :

Strike out the word "or" in the 11th line of the 1st Section and insert in lieu thereof the word "and ;"

Add the words "by and with the advice and consent of the Senate" between the words "Governor" and "to" in the 2nd line of the 2nd Section ; also

Strike out of the same Section all after the word "vessel" in the 6th line ;

Strike out the word "or" in the 9th line of the 4th Section and insert in lieu thereof the word "and ;"

Also the following additional Sections :

SECTION 6. *Be it further enacted*, That it shall not be lawful for any Pilot or other person to remove or to take over the St. John's Bar any vessel or vessels outward bound, as hereinbefore provided, without having first received from the Master of said vessel a certificate duly signed by the searching officer that the duties required to be performed by him have been duly performed ; and if any Pilot or other person shall remove any such vessels as aforesaid without the certificate aforesaid, he shall be liable to indictment, and on conviction shall be fined in a sum not less than fifty and not exceeding one hundred dollars.

SECTION 7. *Be it further enacted*, That the officer whose appointment is hereinbefore provided for, shall have power, by writing under his hand and seal, to appoint a deputy, who shall have full power to discharge all the duties of the office, in the absence, sickness, inability to serve of his principal.

In which several amendments the concurrence of the House of Representatives is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the bills be placed among the Orders of the Day.

A bill to be entitled An act to amend the Act incorporating the City of St. Augustine, approved 4th February, 1833, with Senate amendments thereon;

Came up in order.

On motion of Mr. Dummett, the House concurred in said amendments.

Ordered that the same be certified to the Senate, and that said bill as amended be enrolled.

A bill to be entitled An act to incorporate a bank in the Town of Jacksonville;

Was read the third time by its title.

Mr. Pope moved a call of the House, which was ordered.

Upon calling the roll, the following members answered to their names, viz :

Messrs. Bowers, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa VanZant and Wall.

The list of absentees being called, none answered to their names.

The Serjeant at Arms was instructed to cause the appearance of the absent members.

Mr. Parsons moved that the rules be waived and said bill be placed back upon its second reading;

Which was not agreed to.

Mr. Haynes moved that the rules be waived to permit him to offer an amendment to said bill;

Which was not agreed to.

The bill was then put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bowers, Brown, Chaires, Christie, Dell, Fennell, Galbraith, Haddock, Haynes, Johnston, Jones of Monroe, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Spear, Taylor, VanZant and Wall—22.

Nays—Messrs. Carter, Coombs, Dummett, Hollaman, Neel, Porter, Rowley, Shine, Thompson of Levy and Thompson of Santa Rosa—10.

So the bill was lost, not having received the requisite constitutional majority.

A bill to be entitled An act to organize the County of Haynes;

Was read the second time and ordered to be read a third time on Monday next.

On motion, the House reconsidered the vote upon the question of the passage of a bill to be entitled An act to incorporate a Bank in the Town of Jacksonville, and said bill was postponed until Thursday next.

A bill to be entitled An act to organize the County of Maratee;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Carter, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Monroe, Jones of Nassau, Parsons, Penn, Prescott, Speer, Thompson of Levy, Thompson of Santa Rosa and Wall—18.

Nays—Messrs. Bowers, Brown, Chaires, Christie, Fennell, Haddock, Johnston, Langford, Neel, Pope, Rowley, Shine and Taylor—13.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot;

Were read the third time and put upon their passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Bowers, Brown, Carter, Chaires, Coombs, Dell, Dummett, Fennell, Galbraith, Hollaman, Johnston, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—28.

Nays—None.

So the Preamble and Resolutions were adopted.

Ordered that the same be certified to the Senate.

Resolution asking Congress to grant the several Counties the sixteenth sections within their limits;

Was read the third time and adopted.

The rule being waived, Mr. Shine was permitted to introduce a bill to be entitled An act to amend an act incorporating the Pensacola and Georgia Railroad Company, approved December 13, 1852;

Which was read the first time.

Mr. Shine moved that the rules be waived, and said bill be read a second time;

Which was not agreed to.

The following communication from the Register of State Lands was read:

To the Hon. Speaker of the

House of Representatives:

SIR:—In obedience to a resolution of the House, passed on the 27th inst., I have the honor to say that I am not aware that Con-

gress has made any provision "in cases where 16th sections are valueless."

But in regard to "cases where 16th sections are on grants," I am of opinion that provision has been made by An act entitled "An act supplemental to the act for the admission of Florida and Iowa into the Union, and for other purposes." The first section of that act, grants to the State of Florida, section number sixteen in every township, *or other lands equivalent thereto*, for the use of the inhabitants of such township, for the support of public schools." This act, it seems to me, secures to the State every sixteenth section within it, or where a sixteenth is covered by a grant or military, or naval reservation to "other lands equivalent thereto," but the construction, as I am informed, which has been given to this act by the proper officers of the United States, precludes us from selecting other lands equivalent to those sixteenths which are covered by the Forbes and Arredondo Grants. The Forbes Grant covers 1,427,664 acres, and the Arredondo Grant covers 256,000 acres—the two together covering 1,683,664. The 36th part of this number of acres is 46,768 acres, being the amount of sixteenths covered by said grants.

Independent of the Forbes and Arredondo Grants, other grants have been surveyed and confirmed to the amount of 854,852 acres, the sixteenths on which, (being the 36th part,) amount to 23,745 acres; but we have been allowed to select other lands equivalent to these.

I am unable to perceive why the deficiencies caused by the Forbes and Arredondo grants should not stand on the same footing with deficiencies caused by other grants. I beg leave to repeat what I said in my report to the Governor, that perhaps a resolution by the General Assembly calling the attention of our Delegation in Congress particularly to this subject, would enable them to secure a recognition of our rights before the proper Department, or else to procure an act to be passed for that purpose.

I have the honor to be,

Very respectfully,

Your ob't serv't,

D. S. WALKER,

Register, &c.

A bill to be entitled An act for the relief of purchasers of Swamp and Internal Improvement lands from the United States;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Spear, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—26.

Nays—Messrs. Bowers, Brown, Fennell and Neel—4.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act in relation to the institution of suits before Justices of the Peace in Santa Rosa County;

Was read the third time and upon the question of its passage, the vote was:

Yeas—Messrs. Bellamy and Galbraith—2.

Nays—Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Dummett, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Parson, Penn, Pope, Prescott, Rowley, Shine, Speer, Taylor, Thompson of Levy and Wall—26.

So the bill was lost.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County;

Was read a second time, and ordered to be read a third time on Monday next.

Senate bill to be entitled An act explanatory of the several acts in relation to the migration of negroes or free persons of color into Key West;

Was read the second time, and ordered to be read a third time on Monday next.

A bill to be entitled An act to extend political equality to Ignatio Phalez, and others;

Was read the third time by its title.

Mr. Dummett moved that the House adjourn until Monday, 10 o'clock, A. M.;

Which was not agreed to.

The bill was then put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Carter, Chaires, Dell, Galbraith, Harris, Haynes, Parsons, Pope, Prescott, Speer, Taylor, Thompson of Levy and Wall—15.

Nays—Messrs. Bowers, Brown, Christie, Dummett, Fennell, Haddock, Hollaman, Jones of Nassau, Langford, Neel, Rowley and Thompson of Santa Rosa—12.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act in relation to the selection of Grand and Petit Jurors;

Was read the second time and referred to the Judiciary Committee.

A bill to be entitled An act to amend the laws now in force in this State, relating to divorces, approved by the Governor, January 8, 1853, and to revive the laws as they stood before;

Was read the second time, and on motion of Mr. Galbraith indefinitely postponed.

A bill to be entitled An act to authorize Benjamin Marshall to charge Wharfage in the Town of Milton ;

Was read the second time, and ordered to be read a third time on Monday next.

A bill to be entitled An act to amend an act securing liens to Mechanics, Overseers and others ;

Was read the second time.

Mr. Thompson of Levy moved that the bill be indefinitely postponed ;

Which motion was not agreed to.

On motion, the bill was referred to the Judiciary Committee.

On motion, the House adjourned until Monday, 10 o'clock, A. M.

MONDAY, January 1, 1855.

The House met pursuant to adjournment.

A quorum being present, the reading of the Journal of Saturday was dispensed with.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

A Bill to be entitled An act to organize the County of Manatee ;

A Bill to be entitled An act for the relief of purchasers of Swamp and Internal Improvement Land, from the United States ;

A Bill to be entitled An act to extend political equality to Ignacio Phalez and others ;

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve embracing Fort Brooke for a Commercial Railroad Depot ;

Resolution asking Congress to grant to the several Counties, the sixteenth sections within their limits ; and

Resolution to bring on the election of State Officers.

On motion of Mr. Pope, Mr. Jones of Monroe was excused from attendance during the balance of the session.

Pursuant to previous notice, Mr. Fennell introduced a bill to be entitled An act to make permanent the Court House of Holmes County, at a place known as Bear Pen Bluff in said County ;

Which was read the first time, the rule waived, read a second time by its title, and ordered to be read a third time on to-morrow.

On motion of Mr. Carter, the nomination of Madison Post as Auctioneer for Hillsborough County was taken from the table, and said nomination advised and consented to.

On motion of Mr. Pope, Senate bill to be entitled An act to repeal An act entitled An act to amend the several acts concerning licenses to retail Spirituous Liquors ;

Was taken from the table and placed among the Orders of the Day.

On motion of Mr. Thompson of Levy, Mr. Carter was placed on the Committee on Indian Affairs in place of Mr. Speer now absent.

Pursuant to previous notice, Mr. Carter introduced a Bill to be entitled An Act to amend the Act amendatory of the Act to organize the Supreme Court of Florida ;

Which was read the first time, the rule waived, read the second time by its title, and 75 copies thereof ordered to be printed.

Mr. Pope gave notice that he would on some future day ask leave to introduce a Bill amendatory of the acts now in force in reference to the Statutes of Limitation.

Mr. Carter presented the petition of C. H. Austin, Treasurer, asking to be allowed commissions for collecting bonds transferred from the Register's to the Treasurer's office ;

Which was read and referred to the Committee on Finance and Public Accounts.

Pursuant to previous notice, Mr. Shine introduced a bill to be entitled An act to change the name of Charles Irvin Vincan, and for other purposes ;

Which was read the first time, the rule waived, read the second time by its title, and ordered to be read a third time on to-morrow.

The following Message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
TALLAHASSEE, December 29, 1854. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :— I have approved and signed the following Acts and Resolutions :

An act making additional appropriations to defray the expenses of Criminal Prosecutions, and for the payment of Jurors and State Witnesses, for the fiscal years 1853 and 1854 ;

An act to permanently locate the County Site of Hernando County ;

An act for the relief of the Town of Quincy ;

An act to authorize William A. Gainer to build a Toll Bridge across Bear Creek ;

An act to authorize Oliver H. Hearn to build a Toll Bridge across the Aucilla River ;

An act to organize the County of Volusia ;

Resolution authorizing the Governor to turn over sixty muskets and accoutrements to the Florida Independent Blues, and others ;

Resolution asking that Tampa be made a Port of Collection and Inspection.

Respectfully,

JAMES E. BROOME.

Also the following :

EXECUTIVE CHAMBER, }
December 29, 1854. }

Hon W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I have approved and signed the following Bills and Resolutions :

An act in relation to Pilotage at the Port of Bay Port ;

An act extending the time authorizing George H. Tresper to establish a Ferry across the Suwannee River at Clay Landing, and for other purposes ;

A Resolution requesting an order from the Secretary of War to the Indian Agent in Florida for delivery a Negro man belonging to B. M. Dell of Florida ;

A Resolution authorizing the Governor to compensate James D. Westcott for services in the Supreme Court of the United States, and for other purposes ;

A Resolution asking Congress to declare Indian River a Port of Delivery.

Respectfully,

JAMES E. BROOME.

The Committee on State Lands made the following report :

The Committee on State Lands to whom was referred a bill to be entitled An act to amend an act entitled An act to grant Pre-emptions to Settlers on State Lands, approved December 31st, 1852, report that the same be amended by striking out all but the enacting clause, and report the following substitute for the same.

JAMES F. THOMPSON,

Chairman,

Which was read, and the accompanying Bill placed among the Orders of the Day.

The Committee on State Lands made the following report :

The State Land Committee have had under consideration a bill to be entitled An act to grant pre-emptions to Settlers on State Lands, lying on the disputed boundary line between Florida and Georgia, and think, from information they have received from the books in the office of Register of State Lands, that there are some portions at least of these lands that are appraised at a price below their value, and that a re-appraisement is necessary. Your Committee are of opinion that the Lands contemplated in said bill should be brought into market as speedily as practicable, on the same footing as other State Lands, and that proper precaution should be observed against the possibility of the State losing said Lands upon the adjustment of the disputed boundary question with the State of Georgia. Your Committee therefore report the accompanying bill as a substitute for the original bill, and recommend its passage.

JAMES F. THOMPSON, Chairman.

Which was read, and the accompanying bill and substitute were placed among the Orders of the Day.

The Committee on Agriculture made the following report:

The Committee on Agriculture have had under consideration a bill referred to them entitled An act to amend an act, approved Nov. 21st, 1828, providing for the appointment of Inspectors of Lumber in the various counties of this State, and beg leave to

REPORT:

That they recommend said bill to the favorable consideration of the House.

B. W. BELLAMY,

Chairman.

Which was read and the accompanying bill placed among the Orders of the Day.

The Committee on Census and Apportionment made the following Report:

The Committee on Census and Apportionment, to whom was referred that portion of the Governor's message, having had the same under consideration, beg leave to

REPORT:

That in their opinion, the Constitution forces upon the General Assembly the passage of a bill for taking the Census in the year 1855, and the meeting of the General Assembly sometime during the same year, to make the Apportionment.

Your Committee would also respectfully call your attention to the first clause of the ninth Article of the Constitution, which reads as follows: "The General Assembly shall, in the year one thousand eight hundred and fifty-five, and every tenth year thereafter, cause an enumeration to be made of all the inhabitants of the State, and to the whole number of free white inhabitants, shall be added three fifths of the number of slaves, and they shall proceed to apportion the representation equally among the different Counties, according to such enumeration, giving, however, one representative to every County, and increasing the number of Representatives on a uniform ratio of population, according to the foregoing basis, and which ratio shall not be changed until a new census shall have been taken."

Your Committee are of opinion that if the Constitution makes it necessary for the census to be taken during the year 1855, which no one will deny, it as clearly makes it necessary to make the apportionment during the same year. Were it not made during the year in which the census was taken, more than three years would elapse before the different Counties could be represented, under the new apportionment, based upon the census taken, and the interest of different portions of the State would materially suffer.

Your Committee would respectfully recommend the passage of a

resolution which is now before the House, for the meeting of the General Assembly on the 4th Monday in November next, or a similar one.

They have also prepared a bill, providing for the taking of the census, which they respectfully recommend to be passed.

Your Committee would further recommend that, in view of the fact that an adjourned session is necessary, your honorable body make the present session as brief as possible.

All of which is very respectfully submitted,

PHILIP DELL,

Chairman.

Which was received and the accompanying bill read the first time and ordered to be read a second time on to-morrow.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills beg leave to report the following Bills as correctly Enrolled :

Resolutions making appropriation for repairs on the Capitol;

A bill to be entitled An act for the relief of William R. Hayward and others ;

A bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County ;

A bill to be entitled An act to amend an act concerning Roads and Highways, now in force in this State ;

A bill to be entitled An act to hold the Courts of Orange County at Mellonville ;

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola.

Respectfully submitted,

J. T. BAISDEN,

Chairman Committee on Enrolled Bills.

The Committee on Internal Improvements, made the following report :

The Committee on Internal Improvements, to whom was referred a bill to be entitled An act to amend the act incorporating the Florida Railroad Company, have had the same under consideration and ask leave to

REPORT :

That the bill provides that the Company may connect said Road by extension, with the waters of the Gulf of Mexico, at different points south of the Suwannee River, &c.

This amendment asks no additional aid from the State, and is important to the future action of the Company. Your Committee, therefore, report the bill back to the House, and ask that it be passed with the amendments annexed thereto.

All of which is respectfully submitted,

J. CARTER, Chairman.

Which was received, and the accompanying bill placed among the Orders of the Day.

The Committee on Internal Improvements made the following report :

The Committee on Internal Improvements, to whom was referred a bill to be entitled An act incorporating the Florida and Macon Railroad Company, have had the same under consideration and ask leave to

REPORT :

That the bill proposes to incorporate a Company under the direction of Commissioners therein named, to be styled "The Florida and Macon Railroad Company," for the purpose of constructing a Railroad from Cedar Keys on the Gulf, or from some point on the line of the contemplated Road from Cedar Keys to Amelia Island on the Atlantic, to the north line of the State in the direction of Macon in the State of Georgia. The object of this road is to extend a system of Railroads, commencing at Cincinnati and Louisville on the Ohio, to the Atlantic and Gulf. Within the coming year the line from Louisville to Macon will be completed. The line from Cincinnati to Macon, via East Tennessee and Georgia Railroad, is fully provided for, and will be completed within two years. The distance from Macon to Cedar Keys is two hundred and twenty miles; about one half the distance is in the State of Florida. This Charter being granted by Florida, will doubtless be met by a Charter from the State of Georgia to complete the connection.

On the completion of this line to Macon, Florida will be in connection with over ten thousand miles of railway lying north of the Ohio river, and in immediate connection with the whole system of Railroads in the United States.

The productions of Florida and the valley of the Ohio being dissimilar, an exchange will take place which will be highly beneficial to each, and the severity of the northern winters will induce thousands to seek our State on account of its genial climate.

The alternate sections of lands, usually granted, and an exemption from taxes for the period of thirty-five years, is the only aid asked from the State for this important improvement.

Your Committee earnestly recommend that the bill be passed with the amendments annexed thereto.

All of which is respectfully submitted,

J. CARTER,

Chairman.

Which was read, and the accompanying bill placed among the orders of the day.

The rules being waived, Mr. Pope introduced the following bills, viz :

A bill to be entitled An act for the relief of J. P. K. Savage and Haley T. Blocker ; and

A bill to be entitled An act to preserve the Records of the Supreme Court ;

Which were read the first time, and ordered to be read a second time on to-morrow.

ORDERS OF THE DAY.

A resolution making appropriation for the purpose of clearing out the obstructions to the navigation of East and Yellow Rivers and Four Mile Creek in the County of Walton ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bowers, Brown, Fennell, Galbraith, Haddock, Jones of Monroe, Jones of Nassau, Neel, Riviere, Rowley and Thompson of Santa Rosa—12.

Nays—Messrs. Carter, Chaires, Coombs, Dell, Dummett, Haynes, Langford, Parsons, Penn, Pope, Porter, Prescott, Shine, Thompson of Levy, VanZant and Wall—16.

So the Resolution was lost.

Resolution asking Congress to alter the provisions of the grant of land for establishing two Seminaries of Learning in this State ;

Came up on its third reading, and was postponed until Wednesday next.

A bill to be entitled An act to prevent planting without a fence in Walton County ;

Was read the second time, the rule waived, read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bowers, Brown, Carter, Chaires, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Levy and Wall—26.

Nays—Mr. Penn—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to create a State Librarian ;

Was read the first time, the rule waived, read the second time by its title, and referred to the Committee on Finance and Public Accounts.

Senate bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State ;

Was read the first time, and ordered for a second reading on to-morrow.

Senate bill to be entitled An act in relation to the election of County Commissioners in Gadsden County ;

Was read the first time, the rule waived, read the second and

third times by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bowers, Brown, Carter, Chaires, Christie, Coombs, Dummett, Fennell, Galbraith, Haddock, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to provide for the relinquishment to the United States in certain cases, title to and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State, with the Senate amendment thereto ;

Came up in order.

On motion, said amendment was concurred in.

Ordered that the same be certified to the Senate, and that the bill, as amended, be enrolled.

A bill to be entitled An act to prevent the abduction and escape of slaves from this State, with the Senate amendments thereto ;

Came up in order.

The House refused to concur in said amendments.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to provide for the re-establishment of the Records of St. Lucie County ;

Was read the second time.

On motion of Mr. Galbraith, the preamble of said bill was amended by striking out the words "present year" and inserting the words "year 1854."

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act to authorize Elijah Johnson & Co., to establish a ferry across the Chattahoochee River ;

Was read the second time, and ordered to be read a third time on to-morrow.

A bill to be entitled An act to regulate the Pilotage at the Bar of the River St. Johns ;

Was read the second time.

On motion of Mr. Haynes, the fifth section of the bill was amended by striking out the word "ten" wherever it occurs, and inserting the word "nine" in lieu thereof.

The bill was then read the third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Delf, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Langford, Parsons, Penn, Pope, Porter, Prescott, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution to provide for the distribution of the Acts and Journals of the present General Assembly ;

Was read the second time, and ordered to be read a third time on to-morrow.

A Bill to be entitled An Act to amend An Act incorporating the Pensacola and Georgia Railroad Company, approved December 13, 1852 ;

Was read the second time by its title, and seventy-five copies ordered to be printed.

Senate Bill to be entitled An Act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Dell, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Riviere, Taylor, Thompson of Santa Rosa and Wall—23.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled An Act explanatory of the several Acts in relation to the migration of Negroes or Free Persons of Color into Key West ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Pope, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—21.

Nays—Messrs. Dell, Penn, Porter, Prescott, Riviere and Van-Zant—6.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A Bill to be entitled An Act to authorize Benjamin Marshall to charge Wharfage in the town of Milton ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dummett, Fennell, Galbraith, Haddock, Haynes, Jones of Monroe, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—25.

Nays—None.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to repeal An act entitled An act to amend the several Acts concerning Licenses to retail Spirituous Liquors ;

Was read the second time.

Mr. Rowley moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called for by Messrs. Langford and Carter, and were as follows :

Yeas—Messrs. Baisden, Carter, Chaires, Dell, Fennell, Galbraith, Haynes, Jones of Monroe, Neel, Penn, Pope, Riviere, Rowley, Thompson of Santa Rosa, VanZant and Wall—16.

Nays—Messrs. Brown, Coombs, Haddock, Jones of Nassau, Langford, Parsons, Porter, Prescott, Taylor and Thompson of Levy—10.

So the bill was indefinitely postponed.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend An act entitled An act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852 ;

Was read the second time.

The amendment recommended by the Committee on State Lands was adopted.

Mr. Carter moved to amend the bill by striking out "five" and inserting "three ;"

Which amendment was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act to grant pre-emptions to settlers on the State Lands lying on the disputed boundary line between Florida and Georgia ;

Was read the second time.

The substitute recommended by the Committee on State Lands to be entitled An act authorizing the sale of the State Lands lying on the disputed boundary line between the State of Georgia and Florida ;

Was adopted in lieu of the original bill.

Mr. Rowley moved that the House adjourn until to-morrow morning, 10 o'clock ;

Which was not agreed to.

On motion of Mr. Taylor, the bill under consideration was amended by striking out "four hundred" and inserting "six hundred and forty."

The bill was then ordered to be read a third time on to-morrow.

Mr. Rowley moved that the House adjourn until to-morrow morning, 10 o'clock ;

Which was not agreed to.

A bill to be entitled An act to amend an act approved November

21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

Was read the second time.

Mr. Rowley moved that the bill be indefinitely postponed ;

Which was not agreed to.

Mr. Rowley moved that the bill be laid upon the table ;

Which was not agreed to.

Mr. Rowley moved that the bill be amended by striking out all after the word " repealed ;"

Which was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act to amend an act entitled an act to provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes ;

Was read the second time.

Mr. Rowley moved that the bill be indefinitely postponed ;

Which was not agreed to.

On motion of Mr. Harris, the bill was referred to the Committee on Schools and Colleges.

A bill to be entitled An act to amend an act entitled an act to raise a revenue for the State of Florida and defining the duties of the Collectors and Assessors thereof, approved January 24, 1845 ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Langford, Neel, Parsons, Penn., Pope, Porter, Prescott, Riviere, Taylor, Thompson of Levy, VanZant and Wall—23.

Nays—Mr. Rowley—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

On motion,

The House adjourned until to-morrow, 10 o'clock, A. M.

TUESDAY, January 2, 1855.

The House met pursuant to adjournment.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following bills which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act to amend an act entitled an act to raise a revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24, 1845 ;

A bill to be entitled An act to prevent planting without a fence in Walton County ;

A bill to be entitled An act to authorize Benjamin Marshall to charge Wharfage in the Town of Milton;

A bill to be entitled An act to regulate Pilotage on the Bar of the River St. Johns;

Senate bill to be entitled An act explanatory of the several acts in relation to the migration of Negroes or free persons of color into Key West;

Senate bill to be entitled An act to empower the County Commissioners of Wakulla County to levy a tax for the purpose of building a Court House in said County; and

Senate bill to be entitled An act in relation to the election of County Commissioners in Gadsden County.

On motion of Mr. Galbraith, the message of his Excellency the Governor, relative to the disputed Boundary question, with the accompanying documents, was taken from the table and referred to a Select Committee consisting of Messrs. Galbraith Dell and Shine.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled An act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to pass lines of Telegraph through the State of Florida, and to protect the same;

Which was read the first time and ordered to be read a second time on to-morrow.

Mr. Galbraith gave notice that he would on some future day ask leave to introduce a bill to be entitled An act for the relief of William H. Branch, of Leon County.

The rules being waived, Mr. Haddock was permitted to introduce without previous notice a bill to be entitled An act to amend the 4th clause of the 3d Chapter of the 4th division of the laws in relation to crimes and misdemeanors;

Which was read the first time, and ordered to be read a second time on to-morrow.

The following message from the Senate was read :

SENATE CHAMBER,
January 2, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills, viz :

A bill to be entitled An act to amend An act now in force in relation to the partition of estates real and personal;

House bill to be entitled An act to change the name and establish the site of St. Lucie County, without amendment;

House bill to be entitled An act to admit Anderson J. Peeler to practice Law in this State, with the following amendment, viz :

Strike out all after the word "provided," in the first section, and insert the words "if he should be found qualified according to the manner and form now prescribed by Law;" and

House bill to be entitled An act to provide for the appointment of

Inspectors of Tar and Turpentine in this State, with the following amendment, viz:

"SECTION 12. *Be it further enacted*, That no part or portion of this bill shall be so construed as to be considered obligatory upon the growers of Tar and Turpentine in this State;"

In which amendments the concurrence of the House of Representatives is respectfully requested.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bill which had passed the Senate without amendment be enrolled, and that the Senate bill and amended House bills be placed among the Orders of the Day.

The following message from the Senate was read :

SENATE CHAMBER,

January 2, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following resolutions and bill, viz:

Resolution relative to copying the Laws of the present session ;

Resolution asking Congress to amend the law in reference to the establishment of two Seminaries of Learning in this State, and for other purposes ;

House preamble and resolution asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot ; and

House bill to be entitled An act concerning the retailing of spirituous liquors, has been indefinitely postponed by the Senate.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of Senate.

The Resolution relative to copying the Laws of the present session ;

Was read and laid on the table.

Resolution asking Congress to amend the law in reference to the establishment of two Seminaries of Learning in this State, and for other purposes ;

Was placed among the Orders of the Day.

House Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot ;

Was ordered to be enrolled.

The Committee on Enrolled Bills made the following Report :

The Committee on Enrolled Bills have examined the following bills and find the same correctly enrolled :

A bill to be entitled An act to provide for the relinquishment to

the United States, in certain cases, title to and jurisdiction over lands for sites for Light Houses and for other purposes on the coast and waters of this State ;

A bill to be entitled An act incorporating the City of St. Augustine, approved February 4th, 1833.

Respectfully submitted,

J. T. BAISDEN,
Chairman.

Which was read.

The Committee on Finance and Public Accounts made the following Report :

The Committee of Finance to whom was referred the Petition of John S. Townsend and others asking that the tax on exchange be altered, and also some other amendments to the laws relating to Taxation, beg leave to

REPORT :

That the Bill now before the House introduced by your Committee fully meets the wishes of the petitioners in respect to the system of Taxation.

Which was received and read.

Respectfully submitted,

JOHN PARSONS, Chairman.

ORDERS OF THE DAY.

A bill to be entitled An act authorizing the sale of the State Lands lying on the disputed boundary line between the States of Georgia and Florida ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Coombs, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, the Committee on Elections made the following report :

The Committee on Elections, to whom was referred a bill to be entitled An act to prevent fraudulent voting, ask leave to

REPORT :

That they have had the same under consideration, and respectfully recommend the passage of said bill with the following amendment :

Strike out in the ninth line between the words "the" and "in," the word "circuit," and insert "county."

JOEL PORTER,
Chairman.

Which report was received, the amendment concurred in, and the bill placed among the Orders of the Day.

A bill to be entitled An act to adopt an equal and uniform mode of Taxation in this State;

Was read the second time.

On motion of Mr. Dell, the second section of said bill was amended by inserting the words "and silver" between the words "gold" and "watches."

Mr. Rowley moved to amend the second section by adding the following proviso: "*Provided*, that three hundred and fifty dollars of property shall be exempt from taxation;"

Which amendment was not agreed to.

Mr. Rowley moved that the bill be indefinitely postponed;

Upon which motion, the yeas and nays were called by Messrs. Rowley and Dell, and were as follows:

Yeas—Messrs. Bellamy, Brown, Fennell, Hollaman, Johnston, Langford, Neel, Riviere, Rowley, Shine, Thompson of Santa Rosa and Wall—12.

Nays—Mr. Speaker, Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Parsons, Penn, Pope, Porter, Prescott, Taylor, Thompson of Levy and VanZant—22.

So the House refused to postpone said Bill indefinitely.

On motion of Mr. Parsons, said Bill was postponed until to-morrow.

The following message from the Senate was read:

SENATE CHAMBER, }
January 2d, 1855. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has concurred in the Report of the Joint Select Committee to whom was referred "a bill to be entitled An act governing Judges of Probates in certain cases."

The following Bill has passed the Senate, viz:

House Bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State, with sundry amendments which are herewith enclosed, in which several amendments the concurrence of the House is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

On motion, the Senate amendments to the bill to be entitled An

act to provide for and encourage a liberal system of Internal Improvements in this State;

Were read and concurred in.

Ordered that the same be certified to the Senate, and that said bill be enrolled.

The rule being waived, Mr. Pope, from the Joint Select Committee of Conference, to whom was referred the amendment to Senate bill to be entitled An act governing Judges of Probate in certain cases, reported that said Committee had examined the same, and recommended the adoption of the two first sections of the House amendment, and the striking out of the third;

Which report was received and concurred in.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Pope was permitted to introduce a bill to be entitled An act relative to Depositions taken under Commission;

Which was read the first time, the rule waived, read the second and third times, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dismukes, Dummett, Fennell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to make permanent the Court House of Holmes County at a place known as Bear Pen Bluff in said County;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—28.

Nays—None.

So the bill passed.

On motion of Mr. Pope, the title of said bill was amended by striking out "Court House" and inserting "County Site."

Ordered that the passage of said bill be certified to the Senate.

A bill to be entitled An act to amend the act amendatory of the act to organize the Supreme Court of the State;

Came up on its second reading and was postponed until to-morrow.

A bill to be entitled An act to change the name of Charles Irvin Vincan, and for other purposes ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dismukes, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Levy and VanZant—23.

Nays—Messrs. Dell, Fennell and Johnston—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Galbraith, the use of the Representative Hall was granted to the Tallahassee Riflemen, on the 8th inst., from 11 o'clock A. M., to 1 o'clock P. M., for the purpose of celebrating the Anniversary of the Battle of New Orleans.

A bill to be entitled An act to provide for the taking of the Census in the year 1855 in this State ;

Was read the second time.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Parsons in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman reported said bill back to the House with amendments ;

Which report was received and the amendments concurred in.

The bill was then ordered to be read a third time on to-morrow.

A bill to be entitled An act for the relief of J. P. K. Savage and Haley T. Blocker ;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled An act to preserve the Records of the Supreme Court ;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled An act to amend the fourteenth Article of the Constitution on amendments and revision of the Constitution ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Carter, Dell, Galbraith, Haddock, Parsons, Porter, Prescott, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa—12.

Nays—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Fennell, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Riviere and Wall—19.

So the bill was lost.

A bill to be entitled An act to incorporate Leon Lodge No. 5, I. O. O. F. ;

Came up on its second reading.

Mr. Pope moved a call of the House, which was ordered.

Upon calling the roll the following members answered to their names, viz :

Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall.

The list of absentees being called, none answered to their names.

The Sergeant-at Arms was instructed to cause the appearance of the absent members.

On motion of Mr. Galbraith, further proceedings under the call were dispensed with.

On motion of Mr. Galbraith, the bill under consideration was postponed for the present.

Senate bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State ;

Was read the second time and ordered to be read a third time on to-morrow.

The following Bills and Resolutions which had passed both Houses of the General Assembly, and had been duly enrolled and signed, were presented to his Excellency the Governor, viz :

Resolutions making appropriations for repairs on the Capitol ;

A bill to be entitled An act for the relief of William R. Hayward, and others ;

A bill to be entitled An act legalizing the proceedings of the Judge of Probate of St. Lucie County ;

A bill to be entitled An act to amend An act concerning Roads and Highways now in force in this State ;

A bill to be entitled An act to hold the Courts of Orange County at Mellonville ;

A bill to be entitled An act for the regulation of the Pilots and Pilotage of the Bay and Harbor of Pensacola.

A Bill to be entitled An Act to provide for the establishment of the records of St. Lucie County ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—31.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to authorize Elijah Johnson & Co., to establish a Ferry across the Chattahoochee River ;

Was read the third time, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—29.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution authorizing the Governor to contract for the transportation of the Laws and Journals of the present General Assembly, and for other purposes ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—30.

Nays—None.

So the resolution was adopted.

Ordered that the same be certified to the Senate.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session—a quorum present.

A bill to be entitled An act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852 ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Rowley, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—28.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend An act, approved November 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Langford, Parsons, Pope, Prescott, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—Mr. Brown—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Mr. Pope moved that the rules be waived to permit him to make a motion ;

The House refused to waived the rules.

A bill to be entitled An act to amend the Act incorporating the Florida Railroad Company ;

Was read the second time.

On motion, the amendment recommended by the Committee on Internal Improvements was agreed to.

On motion, the bill was postponed until to-morrow.

A bill to be entitled An act incorporating the Florida and Macon Railroad Company ;

Was read the second time.

On motion, the amendments recommended by the Committee on Internal Improvements were agreed to.

On motion, the bill was postponed until to-morrow.

A bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State, with the Senate amendment thereto ;

Came up in order.

On motion, said amendment was concurred in.

Ordered that the same be certified to the Senate, and that the bill, as amended, be enrolled.

A bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State, with the Senate amendment thereto ;

Came up in order.

On motion, said amendment was concurred in.

Ordered that the same be certified to the Senate, and that the bill, as amended, be enrolled.

Senate bill to be entitled An act to amend An act now in force in relation to the partition of estates real and personal ;

Was read the first time, and ordered for a second reading on to-morrow.

Senate Resolution asking Congress to amend the law in reference to the establishment of two Seminaries of Learning in this State, and for other purposes ;

Was read the first time, and ordered for a second reading on to-morrow.

Senate bill to be entitled An act to prevent fraudulent voting;

Was read the second time, the rule waived, read the third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Christie, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Taylor, Thompson of Santa Rosa and Wall—21.

Nays—Messrs. Carter, Dell and Dummett—3.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, January 2d, 1855. }

Hon. WILLIAM F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I have approved and signed the following Bills and Resolutions:

An act for the relief of William R. Hayward, and others;

An act legalizing the proceedings of the Judge of Probate of St. Lucie County:

An act to amend an act concerning Roads and Highways now in force in this State;

An act to hold the Courts of Orange County at Mellonville;

Resolutions making appropriations for repairs on the Capitol.

Very Respectfully,

JAMES E. BROOME.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

WEDNESDAY, January 3, 1855.

The House met pursuant to adjournment.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

On motion of Mr. Rowley, Mr. Bowers was excused from attendance during the balance of the session.

Mr. Taylor announced to the House the death of John Franklin Dewitt, a member of this House from the County of Jefferson.

Mr. Bellamy moved that a Committee be appointed to draft Resolutions expressive of the feelings of the House upon the occasion of the death of Hon. J. F. Dewitt;

Which motion prevailed, and Messrs. Bellamy and Taylor were appointed said Committee.

Mr. Dell moved that a Committee be appointed to wait upon the Senate and inform that body that the House had agreed to adjourn until to-morrow, in respect to the memory of Hon. J. F. Dewitt, and that the House do then adjourn until to-morrow morning, 9 o'clock.

Which motion prevailed.

Messrs. Dell, Carter and Pope were appointed said Committee, who, having waited upon the Senate, reported that they had performed the duty assigned them.

The House then adjourned until to-morrow, 9 o'clock, A. M.

THURSDAY, January 4, 1855.

The House met pursuant to adjournment—a quorum present.

The Speaker being absent, on motion, Mr. Dell took the Chair.

The Journal of yesterday was read and approved.

The following bills which had passed both Houses of the General Assembly, and had been duly enrolled and signed, were transmitted to his Excellency the Governor, viz :

An act to provide for the relinquishment to the United States, in certain cases, title to and jurisdiction over lands for sites of Light Houses and for other purposes, on the coast and waters of this State;

An act to amend the Act incorporating the City of St. Augustine, approved February 4, 1833.

Mr. Hollaman gave notice that he would, on some future day, ask leave to introduce a bill to be entitled An act to provide for the location of the State Seminary west of the Suwannee River.

The rule being waived, Mr. Harris was permitted to introduce, without previous notice, a bill to be entitled An act to repeal An act entitled An act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853;

Which was read the first time and ordered for a second reading on to-morrow.

The rule being waived, Mr. Thompson of Santa Rosa was permitted to introduce, without previous notice, a bill to be entitled An act defining the duties of witnesses in the several Courts of this State;

Which was read the first time, the rule waived, read the second time, and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Baisden was permitted to introduce without previous notice a bill to be entitled An act to authorize Ab-salom W. Smith to establish a Ferry across Suwannee River;

Which was read the first time, the rule waived, and read the second and third times by its title and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie,

Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Hollaman, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—29.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senata.

The rule being waived, Mr. Langford was permitted to introduce without previous notice, a bill to be entitled An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries;

Which was read the first time, and the rule being waived, read the second time by its title.

Mr. Rowley moved that the rules be waived and that said bill be read a third time and put upon its passage;

Which was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

The rule being waived, Mr. Haynes was permitted to introduce without previous notice, a bill to be entitled An act in relation to proof of title to land, and other purposes;

Which was read the first time, and ordered to be read a second time on to-morrow.

Pursuant to previous notice, Mr. Pope introduced a bill to be entitled An act to legitimize and change the names of certain persons therein named;

Which was read the first time, and the rule being waived, read the second time by its title, and ordered to be read a third time on to-morrow.

Mr. Carter gave notice that he would at a future day ask leave to introduce a bill to be entitled An act requiring the oath of secrecy to be administered to witnesses to testify before a Grand Jury, and for other purposes.

The rule being waived, Mr. Dummett was permitted to introduce without previous notice, the following bills, viz:

A bill to be entitled An act for the preservation of Bridges; and

A bill to be entitled An act amendatory of the Act to provide for the payment of Coroner's Juries, approved 24th January, 1851;

Which were read the first time, the rule waived, read the second time by their titles, and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Galbraith was permitted to introduce without previous notice a bill to be entitled An act to revive certain Acts heretofore passed in reference to the re-establishment of records destroyed by fire;

Which was read the first time, and the rule being waived read the second time by its title.

Mr. Neel moved that the bill be indefinitely postponed;

Which was not agreed to.

On motion, said bill was referred to the Judiciary Committee.

On motion of Mr. Haynes, Messrs. Haynes, Parsons and Pope were appointed a Committee of Conference to act with a similar Committee on the part of the Senate, in relation to the disagreement upon amendments to a bill to be entitled An act in relation to the abduction and escape of Slaves from this State ;

Ordered that the same be certified to the Senate.

Pursuant to previous notice, Mr. VanZant introduced a bill to be entitled An act to amend the attachment laws now in force in this State ;

Which was read the first time, and ordered to be read a second time on to-morrow.

The Speaker laid before the House the presentment of the Grand Jury of Jackson County, recommending that jurisdiction in cases of misdemeanors be given to Justices of the Peace ;

Which was read and referred to the Judiciary Committee.

Mr. Haynes presented the petition of certain citizens of Florida, asking the passage of An act restraining Negroes from Piloting on the St. Johns River ;

Which was read, and referred to a Select Committee consisting of Messrs. Haynes, Dummett and Wall.

Mr. Parsons presented the petition of Thomas Chave and others, citizens of Hernando County, asking the passage of An act for the relief of said Chave ;

Which was read, and referred to the Committee on Propositions and Grievances.

The following message from the Senate was read :

SENATE CHAMBER,
January 3, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has refused to recede from Senate amendment to House bill to be entitled An act to prevent the abduction and escape of slaves from this State, and has appointed Messrs. Hopkins, Filor and Eppes a Committee of conference to act with a similar Committee on the part of the House of Representatives in regard to said amendments.

The Senate has ordered to be printed 75 copies of the following bill, viz :

A bill to be entitled An act to incorporate the Tallahassee and Georgia Railroad Company.

The following Bills and Resolutions have passed the Senate, viz :

A bill to be entitled An act to amend the Revenue Laws of this State concerning Saw Mills ;

A bill to be entitled An act to repeal An act entitled An act to restore the force and operation of the General Laws of this State, in

relation to the migration of free persons of color into this State, approved December 15, 1854;

House bill to be entitled An act to prevent planting without a fence in Walton County;

House bill to be entitled An act to authorize Benjamin Marshall to charge Wharfage in the Town of Milton;

House resolution relative to copying the Laws of the present session, with the following amendment, viz:

Strike out the words "same compensation" between the words "same" and "be," and insert the words "sum of one hundred and seventy-five dollars" in lieu thereof; also strike out all the remainder of the resolution after the word "service" in the 6th line; and

House resolution in relation to mail route with the following amendment, viz:

Be it further resolved, That our Senators be instructed and our Representative be requested to procure from Congress an extension of the Post Route now established from Stillipica, in Madison County, to Finnholloway, as far as to Spring Warrior, and that they urge upon the proper department the necessity of establishing the Post Route from Madison Court House via Cook's Hammock, Troy, Boston, Old Town, to Clay Landing in Levy County.

In which amendments the concurrence of the House of Representatives is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills which had passed the Senate without amendment be enrolled, and that the Senate bills and amended House resolutions be placed among the Orders of the Day.

The following bills and resolutions which had passed the House were transmitted to the Senate, viz:

A bill to be entitled An act to provide for the re-establishment of the Records of St. Lucie County;

A bill to be entitled An act to amend An act entitled An act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852;

A bill to be entitled An act to authorize Elijah Johnson & Co., to establish a ferry across the Chattahoochee River;

A bill to be entitled An act authorizing the sale of the State Lands lying on the disputed boundary line between the States of Georgia and Florida;

A bill to be entitled An act relative to Depositions taken under Commission;

A bill to be entitled An act to make permanent the County Site of Holmes County at a place known as Bear Pen Bluff in said County;

A bill to be entitled An act to change the name of Charles Irvin Vincan, and for other purposes ;

A bill to be entitled An act to amend An act, approved November 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

Resolution authorizing the Governor to contract for the transportation of the Laws and Journals of the present General Assembly, and for other purposes ; and

Senate bill to be entitled An act to prevent fraudulent voting.

Mr. Harris introduced a resolution authorizing the Comptroller of Public Accounts to audit the account of Capt. Jernigan's Company of Volunteers ;

Which was read the first time, the rule waived, read the second time, and referred to the Committee on Propositions and Grievances.

The Committee on Schools and Colleges made the following report :

The Committee on Schools and Colleges, to whom was referred a Memorial of the Intendant and Corporate Authorities of the City of Tallahassee, asking that the Seminary of Learning that is to be located West of the Suwannee be located in this City, have had the same under consideration and beg leave to

REPORT :

That the Memorial relates to a subject not merely of local interest, but of importance to the whole State. The policy of Congress in making a grant of lands to the State for two Seminaries of Learning, separate from the lands granted for Common School purposes, was based upon the fact that, although Common Schools are necessary for the education of the great body of the people, yet the requirements of man, and the welfare of society and of the State, make it necessary that some should receive a higher degree of education, and pursue the study of science to greater perfection than they can in Common Schools. This grant of lands, if properly applied, will enable us to establish in this State two Seminaries of Learning, of a high order, in a few years, which otherwise could not have been done for a long time to come. It is much to be regretted that within our whole State there is not a College where a young man can receive a finished education, or enjoy those aids which are necessary to the successful study of science. In order to obtain these, our youth must abandon the advantages and influences of home to perfect their education in other States. If the grant be diverted from its present purpose, or the Seminaries be wrongly located, it is highly probable that, for many years to come, Florida will be the only State in the Union which will have no College or Seminary of Learning of a high order within its limits. State pride, if nothing else, should induce our people to give what assistance they can to those

who are willing, at much expense to themselves, to make the effort to establish a College in this State. The people of Florida are not so peculiarly deficient in this respect, as to preclude the hope that such an institution can be established.

The proposition, which has been favorably received by many, that the grant be so altered as to give the Seminary Fund to Common School purposes, your Committee do not think wise, or that it could be productive of any practical benefit to the State at large, or at all promote the cause of education. The appropriation of lands for Common Schools we think abundantly large to raise a fund for that purpose, by the time the people of the State are prepared for the practical operation of a Common School system. Your Committee cannot see the wisdom of diverting a fund, which can be practically applied *now*, from its original purpose to one which cannot be accomplished for many years. Besides, the Seminary Fund, if divided amongst the various Counties for Common Schools or Academies, will give such a trifling amount to each, that it will be utterly worthless for any purpose whatever. The advocates of this plan should reflect that Common Schools must have teachers, and it is one of the main objects of these Seminaries of Learning to educate young men for that profession. It is highly important that we should have teachers from amongst our own people, and not be compelled to send to distant States for those to teach our youth who are naturally the enemies of our institutions; and also that we should have for teachers men of talent and thorough education, and not merely those who resort to this business because they can make a living at nothing else.

As to the point at which the Seminary of Learning West of the Suwannee should be located, which is the subject discussed in the Memorial, we are aware that no recommendation of the Committee, whatever it might be, could give satisfaction to every village and neighborhood in this section of the State: this cannot be expected, from the very nature of the case. The Memorial, (which has been printed in the Journal of the Senate,) sets forth the reasons for locating the Western Seminary at the City of Tallahassee. It is unnecessary that we should repeat them here: we consider them strong and just. There is one consideration which we think of much importance: it is, that Tallahassee being the seat of Government, an institution located at this place will be under the immediate eye of the Government and the Legislature, and might be so organized and conducted as to enlist the patronage of a large portion of the State.

Finally, the law provides that the interest only of the Fund shall be applied for the purpose of establishing the Seminaries, and it is impossible to establish them from this source alone. Other means are necessary for the purpose. The City of Tallahassee offers ten thousand dollars in cash, and an endowment of fifteen hundred dollars per annum, towards establishing the institution if it be located at this place. This offer is very liberal, and shows the interest which

the people of this city take in the cause of education. It is the only proposition of the kind which has been made, and is one which your Committee think the interests of the State require to be accepted.

For these reasons, your Committee recommend that the proposal of the memorialists be accepted, and that the Seminary West of the Suwannee be located at Tallahassee; for which purpose we have prepared a Bill, which accompanies this Report.

J. B. GALBRAITH,

Chairman.

Which was received and the accompanying bill to be entitled An act to locate the Seminary of Learning to be established West of the Suwannee River in this State;

Was read the first time, and ordered to be read a second time on to-morrow.

The Judiciary Committee made the following report:

The Judiciary Committee, to whom was referred the bill to be entitled An act to cede certain property to the City of Key West, having given the same proper consideration, beg leave to

REPORT:

That they see no sufficient reason why the water privileges, the property of the State of Florida, should not be granted to the City of Key West, subject to certain restrictions which are embodied in the bill herewith reported.

B. C. POPE,

Chairman.

Which was received, and the accompanying bill read the second time, and ordered to be read a third time on to-morrow.

The Committee on Finance made the following report:

The Committee of Finance, to whom was referred the bill to create the office of Librarian, beg leave to

REPORT:

That it is important that the books now belonging to the State, and which are highly valuable, should be preserved. At present they are in charge of the Secretary of State, but your Committee are not aware that any act has been passed for the proper protection and regulation of the Library, and recommend the passage of this bill, which attaches the office of Librarian to that of Secretary of State, defines the duties of the office, and provides compensation therefor.

Respectfully submitted,

JNO. PARSONS,

Chairman.

Which was received, and the accompanying Bill placed among the Orders of the Day.

The Committee on Claims made the following report:

The Committee on Claims, to whom was referred the petition of L. C. Demilly, have had the same under consideration, and ask leave to

REPORT :

That in their opinion it is a bad precedent for the General Assembly to establish when an account against the State is once acted on, and what is believed to be right and just paid, for succeeding Assemblies to have anything to do with them, but the claim of Mr. Demilly now before us, the Committee do not believe that he has been paid for his services. He received in all, two hundred and fifty dollars, and paid out of this amount to laborers to assist in cleaning the arms two hundred and seven dollars, which leaves him but forty-two dollars for two months labor, which your Committee deem too small an amount for such services.

Your Committee have prepared a resolution allowing him one hundred dollars more, which, in their opinion, will pay him well for the services performed.

All of which is respectfully submitted,

PHILIP DELL,

Chairman Committee on Claims.

Which was received, and the accompanying resolution read the first and second times.

Mr. Shine offered the following as a substitute for the resolution:

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Comptroller is hereby required to issue his warrant on the Treasurer in favor of L. C. Demilly, for the sum of one hundred dollars, to be paid out of any money not otherwise appropriated, in full payment for repairing and cleaning arms after the storm of 1851.

Which was adopted.

The resolution was then ordered to be read a third time on tomorrow.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined the following Bills and report the same as correctly Enrolled:

A bill to be entitled An act to provide for the appointment of Inspectors of Tar and Turpentine in this State ;

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve embracing Fort Brooke for a Commercial Railroad Depot ;

A bill to be entitled An act to change the name and establish the county site of St. Lucie County ;

A bill to be entitled An act to admit Anderson J. Peeler to practice law in the several Courts of this State.

Respectfully submitted,

J. T. BAISDEN,

Chairman.

The following report was received and read:

The Select Committee to whom was referred a bill "to incorporate the Palatka and Micanopy Plank Road Company," and a bill "to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company," respectfully beg leave to

REPORT:

That the bill entitled "An act to incorporate the Palatka and Micanopy Plank Road Company," does not contain any provisions at variance with the policy of the State; and the work being one, which if carried out, would tend to the advancement of such policy, we respectfully recommend that this bill pass.

That the bill "to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company," restricts the donation entirely to that class of land known as "swamp and overflowed land." That although your Committee are opposed to the granting of any portion of those lands known as "Internal Improvement Lands" and "School Lands" to works of local interest, yet the case in regard to the lands above mentioned is different. The "swamp lands," as their name indicates, and by the condition of their being granted to the State it is well known are, in their present condition, valueless, and furnish no revenue to the State. That as Plank Roads will give a greatly increased value to those portions of land that they may pass through it seems but equitable that a moiety of this increased value should be given to those whose labor and capital have created it; and that whilst at the same time, the State grants these lands to assist in the construction of these works of great value to the interests of her citizens, she has her remaining lands greatly improved in value, and her revenue increased by obtaining purchasers for lands which would otherwise never have been sold.

Your Committee therefore recommend that this bill be passed.

E. J. DUMMETT,

Chairman.

Ordered that the accompanying bills be placed among the Orders of the Day.

The following report and resolutions were received and read:

The undersigned Committee of the House, appointed to draft resolutions expressive of the regret and deep condolence with which they received the melancholy tidings of the late and untimely decease of one of their number, in the death of the Hon. John F. Dewitt of Jefferson County, Florida, can but express their individual affliction and sorrow, and that their hearts are penetrated by the gloom cast alike upon the Home, as the State, of the deceased, by the afflicting dispensation which an "Allwise Providence" has thus seen proper to visit upon them.

The deceased was intimately known, and generally esteemed in the County which he represented so honorably to himself and beneficially

to his constituents for two successive terms in the Legislature of the State, and bid fair by his zeal, industry and truthful integrity of character, to rise to a still higher sphere of usefulness; but cut off in the morning of life, the loss of his more immediate friends is commensurate with that of the State; so faithful, capable and true did he prove to every trust reposed in him.

The meed of "well done" was truly and generally accorded, and his loss is but more deeply felt as the memory of his worth and services was so intimately known and recognized by all who associated with him.

To the family of the deceased, we offer our most heart-felt sympathy, and can only add that Providence, "who doeth all things well," "tempers the wind to the shorn Lamb;" and we humbly trust he may so temper this trying affliction to their hearts, as to make them feel he is but called hence to a higher and purer sphere of light and life.

The Committee present the following preamble resolutions for the respectful consideration of the House.

B. W. BELLAMY, Chairman.

JOSHUA TAYLOR.

WHEREAS, It has pleased Providence to remove from our midst John F. Dewitt, of Jefferson County, Florida, and thus to cut off in the morning of life while hope was in the bud, one who from past fidelity gave such rich promise of future and greater usefulness; And Whereas, the deceased was intimately known and connected with the Legislature of this State :

Be it therefore resolved, That in the untimely decease of the late John F. Dewitt, of Jefferson County, Florida, the State has lost a worthy, able, and useful citizen, and the County he represented, a zealous and influential member.

Be it further resolved, That we extend our heart-felt sympathy and deepest condolence to the family of the deceased, and as a token of respect, will wear the usual badge of mourning for thirty days.

The question being taken upon the resolutions, they were unanimously adopted.

The following report was received and read :

The Special Committee, to whom were referred the Preamble and Resolutions adopted by the citizens of the Town of Quincy in regard to the location of the State Seminary west of the Suwannee River, have had the same under consideration, and beg leave to make the following

REPORT:

Your Committee are of opinion that in the selection of a location for said Institution, the first and most important consideration which ought to control the Legislature in its action in the premises, is that

of health. So clear is the conviction of your Committee on this point, that they would not deem any mere pecuniary inducement, however large, sufficient to justify a departure from this controlling consideration. Without the advantage of a healthful location, no literary institution can prosper or long survive its establishment; for it is not to be expected that parents and guardians, having the control of youth, would voluntarily subject them to the casualties of an insalubrious atmosphere.

In addition to healthfulness of location, there are other considerations which ought not to be lost sight of, and amongst the most prominent are *accessibility and centralness* of position.

In view of the foregoing natural advantages, your Committee do not hesitate to say, that the town of Quincy stands pre-eminently favorable. The location of the town is in a high, dry and elevated section of the country, surrounded by numerous hills, and abounding in the finest of free-stone springs, and entirely exempt from any local causes of disease; and from its first settlement it has enjoyed a character for health unsurpassed by any other town in the State.

In regard to accessibility, it enjoys advantages superior to any other town west of the Suwannee River, (with the exception of the city of Tallahassee;) being upon the great thoroughfare of travel, North and West, from the Capitol of the State.

As a central point it will compare favorably with any other location, whether considered geographically, or with reference to population.

Your Committee have been credibly informed that there is in successful operation at this time, a literary institution known as the Quincy Academy, having a male and female department distinct from each other, and which enjoys an annual patronage of from one hundred and twenty-five, to two hundred pupils. This institution was incorporated about the year 1832, and has been in continuous operation down to the present time—a period of nearly twenty-three years. A fact so significant as this, affords the best commentary upon the character of the people amongst whom it is located, and speaks in most convincing language of the amount of interest which they might be expected to take in advancing the prosperity of the State Seminary, should it be located amongst them.

Your Committee are also informed that the Trustees of the Quincy Academy have tendered and are willing to donate to the State the edifice and lot which they now occupy, for the use and accommodation of the State Seminary, so long as it may be desirable to occupy the same; and that the citizens have also pledged themselves by individual subscriptions, to raise such an amount of money as may become necessary to enlarge and extend the present edifice, should the patronage of the Institution require such enlargement.

In conclusion, your Committee do not hesitate to recommend that the State Seminary to be located west of the Suwannee River, ought

to be established at the town of Quincy, in Gadsden County, and in accordance with that recommendation, they beg leave to report the accompanying bill.

All of which is most respectfully submitted,
 DAVID W. HOLLAMAN, Chairman.
 BARTON C. POPE.
 W. M. C. NEEL.
 LYMAN W. ROWLEY.

The accompanying bill, to be entitled An act to provide for the location of the State Seminary west of the Suwannee River, was read the first time and ordered to be read a second time on to-morrow.

The following report was received ;

The Select Committee, to whom was referred a bill to be entitled an act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes, have considered the same and ask leave to report it back to the House with the accompanying amendments, and that the Committee be discharged from its further consideration.

Respectfully submitted,
 J. CARTER, Chairman.

Which was read, and the accompanying bill placed among the Orders of the Day.

ORDERS OF THE DAY.

A resolution fixing a day of adjournment, and for other purposes ;
 Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Parsons, Pope, Porter, Prescott, Riviere, Taylor, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—26.

Nays—Messrs. Fennell and Shine—2.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

Resolution asking Congress to alter the provisions of the grant of land for establishing two Seminaries of Learning in this State ;

Came up on its third reading.

Mr. Rowley was permitted to withdraw said Resolution.

A bill to be entitled An act to incorporate a Bank in the Town of Jacksonville ;

Was read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris,

Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Pope, Prescott, Shine, Thompson of Santa Rosa, VanZant and Wall—24.

Nays—Messrs. Dummett, Neel, Porter, Riviere, Rowley and Thompson of Levy—6.

So the bill was lost, not having received the requisite Constitutional majority.

A bill to be entitled An act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to pass lines of Telegraph through the State of Florida, and to protect the same ;

Was read the second time.

Mr. Parsons moved to amend the bill by adding the following proviso :

“ *Provided*, That no exclusive rights and privileges shall be granted by this Act ;”

Which amendment was agreed to.

On motion, the rules were waived, and said bill was read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Taylor, Thompson of Levy, Thompson of Santa Rosa, and Wall—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Galbraith, the vote rejecting a bill to be entitled An act to incorporate a Bank in the Town of Jacksonville, was reconsidered.

Said bill was again put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Coombs, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Shine, Taylor, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—Messrs. Carter, Dummett, Porter, Rowley and Thompson of Levy—5.

The Speaker decided that the bill was lost, not having received the requisite Constitutional majority.

Mr. Parsons appealed from the decision of the Chair.

Upon the question “ shall the decision of the Chair be sustained ?” the yeas and nays were called for by Messrs. Rowley and Carter, and were as follows :

Yeas—Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dummett, Fennell, Galbraith, Haddock, Harris, Hollaman, Penn, Porter, Rowley, Thompson of Santa Rosa and VanZant—17.

Nays—Messrs. Brown, Dismukes, Haynes, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Taylor, Thompson of Levy and Wall—12.

So the House sustained the decision of the Chair, and said bill was lost.

A bill to be entitled An act to amend the 4th clause of the 3d Chapter of the 4th division of the laws in relation to crimes and misdemeanors;

Was read the second time and referred to a Select Committee consisting of Messrs. Haddock, Parsons and Galbraith.

A bill to be entitled An act to adopt an equal and uniform mode of Taxation in this State;

Was read the second time.

On motion of Mr. Parsons, said bill was amended by striking out the word "fifth" in the 7th section, and inserting "eighth" in lieu thereof.

Mr. Rowley moved to amend the second section by adding the following proviso:

"*Provided*, That three hundred and fifty dollars of property be exempt from taxation;"

Upon the question of agreeing to said amendment, the yeas and nays were called for by Messrs. Rowley and Porter, and were as follows:

Yeas—Messrs. Brown, Chaires, Dummett, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Rowley, Shine, Taylor and Thompson of Santa Rosa—17.

Nays—Messrs. Bellamy, Carter, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Parsons, Penn, Porter, Thompson of Levy and Wall—14.

So the amendment was agreed to.

On motion of Mr. Rowley, the rule was waived and the bill read a third time by its title and put upon its passage, upon which the vote was:

Yeas—Messrs. Bellamy, Carter, Chaires, Christie, Dell, Dummett, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Langford, Parsons, Pope, Prescott, Rowley, Taylor and Thompson of Levy—18.

Nays—Messrs. Brown, Coombs, Dismukes, Fennell, Hollaman, Neel, Porter, Riviere, Thompson of Santa Rosa and Wall—10.

So the bill passed.

Mr. Carter moved to amend the title of the bill by striking out the word "uniform;"

Which was not agreed to.

The title of the bill was ordered to be as stated.

Ordered that the same be certified to the Senate.

Mr. Pope offered the following resolution:

Resolved by the House of Representatives (the Senate concurring.)
That the General Assembly proceed to the election of Clerk of the Supreme Court, Comptroller, Treasurer and State Engineer and Geologist, at half past 12 o'clock ;

Which was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to amend the act amendatory of the act to organize the Supreme Court of the State ;

Was read the second time and postponed until to-morrow.

A bill to be entitled an act to provide for the taking of the Census in 1855 in this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Johnston, Jones of Nassau, Langford, Parsons, Pope, Porter, Prescott, Riviere, Taylor, Thompson of Santa Rosa and Wall—23.

Nays—None.

So the Bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled an act for the relief of J. P. K. Savage and Haley T. Blocker ;

Came up on its third reading.

On motion of Mr. Pope, the rule was waived and said bill referred to a Select Committee, consisting of Messrs. Pope, Carter, Shine and Galbraith.

A Committee from the Senate announced that that body had refused to concur in the Resolution to proceed to the election of State Officers, at half-past 12 o'clock.

A bill to be entitled an act to preserve the Records of the Supreme Court ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Dismukes, Dummett, Fennell, Haynes, Hollaman, Johnston, Jones of Nassau, Pope, Porter, Prescott, Shine, Taylor, Thompson of Santa Rosa and Wall—18.

Nays—Mr. Harris—1.

A quorum not voting, Mr. Dummett moved a call of the House, which was ordered.

Upon calling the roll, the following members answered to their names, viz :

Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa, and Wall—20.

The list of absentees being called, the Sergeant-at-Arms was instructed to cause the appearance of the absent members.

The question being again taken on the passage of the Bill under consideration, the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Dismukes, Dummett, Haynes, Pope, Porter, Rowley, VanZant and Wall—10.

Nays—Messrs. Brown, Carter, Chaires, Christie, Coombs, Dell, Fennell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Prescott, Riviere, Taylor, Thompson of Levy and Thompson of Santa Rosa—21.

So the Bill was lost.

Senate Bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Taylor, Thompson of Levy, VanZant and Wall—22.

Nays—Messrs. Fennell, Galbraith, Harris, Prescott, and Thompson of Santa Rosa—5.

So said Bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to incorporate Leon Lodge No. 5, I. O. O. F;

Came up on its third reading.

On motion, Mr. Galbraith was permitted to withdraw said bill.

A bill to be entitled An act to amend An act incorporating the Pensacola and Georgia Railroad Company, approved December 13, 1852;

Was read the second time, and referred to the Committee on Internal Improvements.

Mr. Dell moved that a Committee be appointed on Mileage;

Which was agreed to, and Messrs. Dell, Shine, Carter, Porter and Hollaman were appointed said Committee.

A bill to be entitled An act to amend the Act incorporating the Florida Railroad Company;

Was read the second time.

Mr. Parsons moved to amend the first Section by adding the following Proviso :

Provided, That no branch road shall be established North of the route from Pensacola to Jacksonville, indicated in the Act to provide for a liberal system of Internal Improvements in this State.

Which was agreed to.

The rule being waived, the bill was read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter,

Christie, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Johnston, Parsons, Penn, Pope, Prescott, Shine, Taylor, Thompson of Levy and Wall—21.

Nays—Messrs. Chaires, Coombs, Fennell, Porter, Riviere and Thompson of Santa Rosa—6.

So the bill was lost, not having received the requisite Constitutional majority.

A bill to be entitled An act to incorporate the Florida and Macon Railroad Company ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Shine, Taylor, Thompson of Levy, Thompson of Santa Rosa and Wall—30.

Nays—Mr. Porter—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session.

The roll being called, the following members answered to their names, viz :

Mr. Speaker, Messrs. Chaires, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Taylor, Thompson of Levy, VanZant and Wall—20.

A quorum not being present, on motion the doors were closed and the Sergeant-at-arms instructed to cause the appearance of the absent members.

The Speaker announced that there was a quorum present.

Senate Bill to be entitled an act to amend an act now in force in relation to the partition of Estates real and personal ;

Was read the second time and referred to the Judiciary Committee.

Senate Bill to be entitled an act to repeal an act entitled an act to restore the force and operation of the General Laws of this State in relation to the migration of Free Persons of Color into this State, approved December 15, 1854 ;

Was read the first time, the rule waived, read a second time by its title, and on motion of Mr. Dell, indefinitely postponed.

Ordered that the same be certified to the Senate.

Senate Resolution asking Congress to amend the law in reference

to the establishment of two Seminaries of Learning in this State, and for other purposes ;

Was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Schools and Colleges.

Senate Bill to be entitled An act to amend the Revenue Laws of this State concerning Saw Mills ;

Was read the first time, the rule waived and the Bill read a second time by its title.

On motion of Mr. Galbraith, the Bill was indefinitely postponed.

Ordered that the same be certified to the Senate.

Resolution in relation to Mail Routes, with the Senate amendment thereto ;

Came up in order.

On motion, the House concurred in said amendment.

Ordered that the same be certified to the Senate, and that the Resolution as amended be enrolled.

Resolution relative to copying the laws of the present Session, with the Senate amendment thereto ;

Came up in order.

The House refused to concur in said amendment.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled An act to create a State Librarian ;

Was read the second time.

Mr. Dell moved to amend the Fourth Section, by striking out "twenty-five" and inserting "one hundred" ;

Which amendment was agreed to.

On motion, the rules were waived and said Bill was read a third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Jones of Nassau, Parsons, Pope, Prescott, Taylor, Thompson of Levy, and Wall—20.

Nays—Messrs. Brown, Langford, Neel, Shine and VanZant—5.

So said Bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate Bill to be entitled an Act to incorporate the Palatka and Micanopy Plank Road Company ;

Was read the second time and ordered to be read a third time on to-morrow.

Senate Bill to be entitled an Act granting certain lands to the Palatka and Micanopy Plank Road Company ;

Was read the second time and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Parsons was permitted to introduce, without previous notice, a Bill to be entitled an Act to regulate the Sales of State Lands ;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on State Lands.

The rule being waived, Mr. Pope was permitted to introduce, according to previous notice, a Bill to be entitled an Act to alter and change the laws now in force in this State in reference to the limitation of Actions;

Which was read the first time, and ordered to be read a second time on to-morrow.

The rule being waived, Mr. Galbraith was permitted to introduce, according to previous notice, a bill to be entitled an Act for the relief of William H. Branch of Leon County;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Claims.

The rule being waived, Mr. Haynes was permitted to introduce, without previous notice, a Bill to be entitled an Act to amend an act entitled an act to amend the Patrol Laws of this State;

Which was read the first time, and ordered to be read a second time on to-morrow.

On motion, the House adjourned until to-morrow morning, 10 o'clock.

FRIDAY, January 5, 1855.

The House met pursuant to adjournment.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

Pursuant to previous notice, Mr. Langford introduced a bill to be entitled an act to graduate the price of the State Lands in Florida;

Which was read the first time and ordered to be read a second time on to-morrow.

On motion of Mr. Galbraith, the Sergeant-at-Arms was instructed to purchase crape for the use of the members in the observance of the resolution adopted on yesterday, to wear mourning as a tribute of respect to the memory of Mr. Dewitt.

On motion of Mr. Langford, the Committee on Corporations was instructed to report upon a Bill to be entitled an act to remove obstructions to the navigation of the Suwannee River.

The rule being waived, Mr. Harris was permitted to introduce, without previous notice, a bill to be entitled an act for the relief of John M. Hanson and U. Reddick;

Which was read the first time and ordered to be read a second time on to-morrow.

On motion of Mr. Dell, Messrs. Baisden and VanZant were excused from further attendance at this Session after Tuesday next.

On motion of Mr. Bellamy, leave of absence was granted to Mr. Taylor until Tuesday next.

On motion of Mr. Rowley, Senate bill to be entitled an act to incorporate the Lagoon and Perdido Canal Company was taken from the table and placed among the orders of the day.

Mr. Harris presented the petition of John M. Hanson asking the passage of an act granting him permission to enter certain State Lands;

Which was read.

The rule being waived, Mr. Penn was permitted to introduce a bill to be entitled An act establishing a regular rate of Commissions at the Port of Key West;

Which was read the first time, and ordered to be read a second time on to-morrow.

Mr. Dell introduced a resolution asking Congress to establish certain mail routes in Alachua County;

Which was read the first time, and ordered to be read a second time on to-morrow.

The Committee on Propositions and Grievances made the following report:

The Committee on Propositions and Grievances, to whom was referred a bill to be entitled An act for the relief of J. M. Landrum, Solicitor of the Western Circuit of Florida, having had the same under consideration, beg leave to

REPORT:

That they have examined the claim of J. M. Landrum, and believing it to be a just one, would respectfully recommend the passage of said bill for his relief.

All of which is respectfully submitted.

J. P. PENN,
Chairman.

Which was read, and the accompanying bill placed among the Orders of the Day.

The following bills and resolution which had passed the House were transmitted to the Senate, viz:

A bill to be entitled An act to authorize Absalom W. Smith to establish a ferry across the Suwannee River;

A bill to be entitled An act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company, to pass lines of Telegraph through the State of Florida, and to protect the same;

A bill to be entitled An act to adopt an equal and uniform mode of Taxation in this State;

A bill to be entitled An act to provide for the taking of the Census of 1855 in this State;

Resolution fixing a day of adjournment, and for other purposes;

Senate bill to be entitled An act to change the mode of compensating the several Solicitors or Prosecuting Attorneys of this State;

Senate bill to be entitled An act to create a State Librarian.

The Judiciary Committee made the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act to create a fifth Judicial Circuit, having given careful consideration to the objects of said bill, and other matters having proper connection therewith, beg leave to report the bill back to the House with the additional sections thereto appended, and ask for them the favorable consideration of the House.

B. C. POPE,
Chairman.

Messrs. Galbraith and Parsons dissenting.

Which was read, and the accompanying bill placed among the Orders of the Day.

The Judiciary Committee made the following report :

The Committee on the Judiciary, to whom was referred a bill to be entitled An act in relation to Dower, beg leave to

REPORT :

That they see no reason for the change proposed by said bill of the present Laws in relation to Dower, therefore return the bill to the House and recommend that it do not pass.

B. C. POPE,
Chairman.

Which was read, and the accompanying bill placed among the Orders of the Day.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined the following bill and find the same correctly Enrolled :

A bill to be entitled An act to provide for and encourage a liberal system of Internal Improvements in this State.

Respectfully submitted,
J. T. BAISDEN,
Chairman.

The Committee on Indian Affairs made the following report :

The Committee on Indian Affairs, to whom was referred so much of the message of the Governor as relates thereto, have considered the same, and ask leave to

REPORT :

That there seems to be no conflict of sentiment upon the single question of the removal of the Indians from the State, but the public mind is not so firmly settled upon the particular policy to be pursued most likely to succeed ; and, it is this part of the subject the Committee have considered, and particularly to express and recommend a preference between measures of force and peaceable coercion.—The Committee prefer the latter, fully concurring in, and earnestly recommending this policy as now being developed by the military

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movements in the Peninsula. The military station at Fort Brooke has been partially abandoned and established at Ponto Rassa, near Charlotte Harbor, on the Gulf coast, from which point the troops are being posted on a line northeast, to Lake Okeechobee, thence southeast to the Atlantic, materially reducing the limits and circumscribing the privileges of the Indians. The former reserve, in the rear of the troops, is opened to settlement and occupation, and is being now surveyed, and the disposable military force employed opening roads and building bridges, which will greatly facilitate the settlement and occupation of the country. There is observed, also, a *strict* non-intercourse, by which they are entirely deprived of the privilege and benefits of trade. If these measures succeed in effecting their peaceable removal, as it is believed they will, the end desired will have been accomplished through the instrumentality of means at the same time contributing materially to the settlement and development of the country, while the sacrifice incident to border troubles will have been avoided.

In advantages and natural resources they are formidable, and their inferiority in numbers furnishes no assurance of their inability to resist or protract an effort of force, which should not be resorted to only upon hostile demonstrations on their part. Upon that contingency alone, your Committee recommend measures of force.

The Constitution and laws confer upon the Executive all necessary authority to repel sudden invasion or insurrection, and the Committee therefore deem it unnecessary to continue in force the "act to provide for the removal of the Indians now remaining in Florida beyond the limits of the State," and believing it defective in its provisions and inadequate to the accomplishment of the purposes for which it was enacted, the Committee herewith report a bill for its repeal and recommend that it be passed.

All of which is respectfully submitted,

J. CARTER,

Chairman Committee on Indian Affairs.

Which was read, and the accompanying bill read the first time, and ordered to be read a second time on to-morrow.

The following report was received :

The Special Committee to whom was referred the Governor's Message and Documents relating to the suit now pending in the Supreme Court of the United States, to settle the Boundary Line between the States of Georgia and Florida, have considered the same, and beg leave to

REPORT :

Your Committee find that the Supreme Court of the United States had ordered a joint commission to examine the points in dispute as to the true head or source of St. Mary's river, and to run a line or line thence to the junction of the Flint and Chattahoochie rivers.—

That commission proceeded in the discharge of the duties prescribed by the order of the Court, and had nearly completed the same, when the Commissioner and Surveyor named therein by the State of Georgia, withdrew from further co-operation to bring their joint labors to a close, at the instance and under the orders of the Governor of Georgia, which necessarily suspended further operations on the part of those named by the State of Florida.

Your Committee deem it unnecessary to enter into a discussion of the causes of this suspension, further than to say that they fully approve and sustain the action of the Governor of this State, and of Col. Benj. F. Whitner, the Commissioner of Florida, in the discharge of his delicate and important trust, and the Committee think them in no wise responsible that the order of the Court was not fully completed.

Your Committee have examined the expense account of said Commissioner, and find its items reasonable and proper, and that there is a balance still due of thirty dollars 31-100 on this account.

Your Committee find that the Commissioner in behalf of the State of Georgia, has been paid by that State for his services the sum of two thousand dollars, and that the Georgia Surveyor has also been paid by his State the sum of two thousand five hundred dollars for his services, besides defraying personal and camp expenses, and hand hire. The Committee recommend, therefore, that provision be made by law for paying to the Florida Commissioner and Surveyor the like sums for their services, as well as for paying the small balance on the expense account.

Your Committee have no doubt that these, with all other expenses which have been or may be incurred by Florida in relation to this question of disputed boundary, are rightfully chargeable to and will be ultimately defrayed by the United States, as the proprietor of the disputed territory.

Your Committee recommend that provision be made to meet any expenses that may be incurred in the further progress of this boundary suit, and for these several purposes they ask leave to report by bill.

Respectfully submitted,

J. B. GALBRAITH, *Chairman.*

PHILIP DELL,

R. A. SHINE.

Which was read, and the accompanying bill read the first time and ordered to be read a second time on to-morrow.

The following report was received :

The Select Committee to whom was referred "A bill to be entitled an act to amend the 4th clause of the 3rd Chapter of the 4th Division of the Laws in relation to crimes and misdemeanors," have considered the same and ask leave to

REPORT:

That the bill provides that "opprobrious words" may be given in evidence in cases of assault and battery. Your Committee recommend the passage of the bill.

J. R. HADDOCK,
J. B. GALBRAITH,
JNO. PARSONS.

Which was read and the accompanying bill placed among the Orders of the Day.

The following message from the Senate was read:

SENATE CHAMBER, }
January 5th, 1855. }

Hon. of Speaker the House of Representatives:

SIR:—The Senate has concurred in House amendments to the following bills, viz:

A bill to be entitled An act to prevent fraudulent voting; and

A bill to be entitled An act to change the time of holding the Circuit Court of Calhoun County.

The following bills have passed the Senate, viz:

A bill to be entitled An act to authorize Gregory Yneistra and F. B. Bobe, to establish a wharf in the City of Pensacola;

A bill to be entitled An act to authorize Celestino Gonzalez to establish a wharf in the City of Pensacola;

A bill to be entitled An act to extend the limitation of Merchants' Accounts in this State;

House bill to be entitled An act to organize the County of Manatee, without amendment;

House bill to be entitled An act to authorize Elijah Johnson, and Co., to establish a Ferry across the Chattahoochee River, without amendment; and

House bill to be entitled An act for the relief of purchasers of Swamp or Internal Improvement lands from the United States, without amendment.

House resolution asking Congress to grant the several Counties the sixteenth sections within their limits, has been lost in the Senate.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the House bills which had passed the Senate be enrolled, and the Senate bills be placed among the Orders of the Day.

The following message from the Senate was read:

Hon. Speaker of the House of Representatives:

SENATE CHAMBER, January 5th, 1855.

SIR:—The Senate has adopted the enclosed resolution, and respectfully ask the concurrence of the House of Representatives.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

On motion, the House concurred in the resolution, and Messrs. Harris, Haynes and Christie were appointed a committee to inform the Senate thereof.

The rule being waived, Mr. Parsons was permitted to introduce without previous notice, a bill to be entitled An act to repeal several acts therein mentioned;

Which was read the first time.

On motion, the rule was waived, and said bill was read the second time.

Mr. Shine moved that the bill be indefinitely postponed;

Which was not agreed to.

Mr. Parsons moved that 75 copies thereof be printed;

Which was not agreed to.

On motion of Mr. Parsons, said bill was postponed until Monday.

The rule being waived to permit Mr. Hollaman to make a motion, Mr. Hollaman moved that Senate resolution relative to copying the laws of the present session, be taken from the table and placed among the Orders of the Day;

Which was agreed to, and said resolution was placed among the Orders of the Day.

ORDERS OF THE DAY.

A bill to be entitled an act to repeal an act entitled an act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853;

Was read the second time, the rule waived, read a third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Christie, Dismukes, Galbraith, Haddock, Harris, Jones of Nassau, Nangford, Neel, Pope, Prescott, Riviere and Thompson of Santa Rosa—14.

Nays—Messrs. Brown, Dell, Fennell, Johnston, Parsons, Porter, and Wall—7.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Bellamy was permitted to introduce, without previous notice, a bill relating to crimes and misdemeanors;

Which was read the first time.

On motion, the rule was waived, and said bill read a second time.

Mr. Dell moved that seventy-five copies of the bill be printed;

Which was not agreed to.

Mr. Carter moved to amend the bill by striking out the words "or castration;"

Which was not agreed to.

On motion of Mr. Galbraith, the bill was referred to the Judiciary Committee.

Mr. Pope moved that the House reconsider the vote concurring in

the Resolution of the Senate to proceed to the election of State Officers at 12 o'clock ;

Which was not agreed to.

A bill to be entitled An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Dismukes, Dummett, Fennell, Galbraith, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Riviere, Thompson of Santa Rosa and VanZant—22.

Nays—Messrs. Harris, Haynes and Shine—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled an act defining the duties of Witnesses in the several Courts of this State ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombs, Dismukes, Fennell, Haddock, Haynes, Hollaman, Langford, Penn, Pope, Prescott, Thompson of Santa Rosa, VanZant and Wall—17.

Nays—Messrs. Baisden, Carter, Dummett, Harris, Johnston, Jones of Nassau, Neel, Riviere and Thompson of Levy—9.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act in relation to proof of title to land, and for other purposes ;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled an act to legitimatize and change the names of certain persons therein named ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Brown, Carter, Coombs, Dismukes, Galbraith, Harris, Haynes, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Riviere, Rowley, Thompson of Santa Rosa and VanZant—18.

Nays—Mr. Speaker, Messrs. Chaires, Dell, Dummett, Fennell, Hollaman, Johnston and Wall—8.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to provide for the payment of Coroner's Juries, approved January 24, 1851 ;

Was read the third time and upon the question of its passage, the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Harris,

Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa and Wall—26.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Mr. Dell moved a call of the House ;

Which was ordered.

Upon calling the roll, the following members were present, viz :

Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and Wall.

The Sergeant-at-Arms was instructed to cause the appearance of the absent members.

Mr. Coombs moved that the House take a recess of ten minutes ;
Which was not agreed to.

On motion, the House was prepared for the reception of the Senate, and a Committee appointed to inform the Senate of the readiness of the House to proceed to the election of State officers.

The Senate entered the Hall, and the President by invitation of the Speaker, took the Chair.

The President announced that the object of the Joint meeting was the election of Comptroller of Public Accounts, Treasurer, State Engineer and Geologist and Clerk of the Supreme Court.

On motion, the Joint meeting proceeded to the election of Comptroller of Public Accounts.

Mr. Long, (of the Senate,) nominated Theodore W. Brevard of Leon County.

Mr. Shine, (of the House,) nominated Simon Towle of Leon County.

The first vote resulted as follows :

FOR BREVARD.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Porter, Prescott, Rowley, VanZant and Wall—20. Total—29.

FOR TOWLE.—*Senate*—Messrs. Eppes, Hopkins, Myrick, Nicholson, Smith and Tracy—7.

House—Messrs. Brown, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine and Thompson of Santa Rosa—12. Total—19.

The President declared there was no election.

The Joint meeting proceeded to a second voting, which resulted as follows :

FOR BREVARD.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, VanZant and Wall—21. Total—30.

FOR TOWLE.—*Senate*—Messrs. Eppes, Gillis, Hopkins, Myrick, Nicholson, Smith and Tracy—7.

House—Messrs. Brown, Dismukes, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine and Thompson of Santa Rosa—12. Total—19.

The President declared Mr. Brevard duly elected Comptroller of Public Accounts of the State of Florida.

On motion, the Joint meeting proceeded to the election of State Engineer and Geologist.

Mr. Long, (of the Senate,) nominated F. L. Dancy of St. Johns County.

Mr. Shine, (of the House,) nominated William T. Stockton of Gadsden County.

The vote was as follows :

FOR DANCY.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Filor, Hawes, Long and Provence—9.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, VanZant and Wall—21. Total—30.

FOR STOCKTON.—*Senate*—Messrs. Eppes, Gillis, Hopkins and Nicholson—4.

House—Messrs. Dismukes, Fennell, Hollaman, Johnston, Langford, Shine and Thompson of Santa Rosa—7. Total—11.

BLANK.—*Senate*—Messrs. Myrick, Smith and Tracy—3.

House—Messrs. Brown, Haddock, Jones of Nassau, Neel and Riviere—5. Total—8.

The President declared Mr. Dancy duly elected State Engineer and Geologist.

On motion, the Joint meeting proceeded to the election of Treasurer.

Mr. Long, (of the Senate,) nominated Charles H. Austin of Leon County.

The vote was as follows :

FOR AUSTIN.—*Senate*—Mr. President, Messrs. Bird, Brinson, Cone, Criglar, Eppes, Filor, Hawes, Long, Myrick, Provence and Tracy—12.

House—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Harris, Haynes, Jones of Nassau, Langford, Neel, Parsons,

Penn, Pope, Porter, Prescott, Rowley, Thompson of Levy, VanZant and Wall—27. Total—39.

BLANK.—*Senate*—Messrs. Gillis, Hopkins, Nicholson and Smith—4.

House—Messrs. Hollaman, Johnston, Riviere, Shine and Thompson of Santa Rosa—5. Total—9.

The President declared Mr. Austin duly elected Treasurer of the State of Florida.

On motion, the Joint meeting proceeded to the election of Clerk of the Supreme Court.

Mr. Dell, (of the House,) nominated John P. K. Savage of Leon County.

Mr. Bird, (of the Senate,) nominated Alfred L. Woodward of Leon County.

The first vote resulted as follows:

FOR SAVAGE.—*Senate*—Mr. President, Messrs. Brinson, Eppes, Gillis, Hawes, Provence, Smith and Tracy—8.

House—Messrs. Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Johnston, Jones of Nassau, Pope, Porter, Shine, VanZant and Wall—14. Total—22.

FOR WOODWARD.—*Senate*—Messrs. Bird, Criglar, Filor, Hopkins, Long and Myrick—6.

House—Messrs. Brown, Carter, Dismukes, Fennell, Neel, Penn, Prescott, Riviere and Rowley—9. Total—15.

BLANK.—*Senate*—Messrs. Cone and Nicholson—2.

House—Messrs. Baisden, Bellamy, Christie, Haddock, Hollaman, Langford, Parsons Thompson of Levy and Thompson of Santa Rosa—9. Total 11.

The President declared there was no election.

Mr. Penn nominated Benjamin F. Parker of Calhoun County.

The second voting resulted as follows:

FOR SAVAGE.—*Senate*—Mr. President, Messrs. Brinson, Eppes, Gillis, Hawes, Hopkins, Provence, Smith and Tracy—9.

House—Messrs. Carter, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Johnston, Jones of Nassau, Pope, Rowley, Shine and Wall—15. Total—24.

FOR WOODWARD.—*Senate*—Messrs. Bird, Criglar, Filor, Long and Myrick—5.

House—Messrs. Brown, Dismukes, Fennell and Riviere—4. Total—9.

FOR PARKER.—*Senate*—Mr. Cone—1.

House—Messrs. Baisden, Haddock, Neel, Penn, Porter, Prescott and VanZant—7. Total—8.

BLANK.—*Senate*—Mr. Nicholson—1.

House—Mr. Speaker, Messrs. Hollaman, Langford, Parsons, Thompson of Levy and Thompson of Santa Rosa—6. Total—7.

The President declared that there was no election.

Mr. Parsons moved that the Joint Meeting do now adjourn;
Which was not agreed to.

The Joint Meeting then proceeded to a third voting, which resulted as follows:

FOR SAVAGE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Eppes, Filor, Gillis, Hawes, Hopkins, Provence, Smith and Tracy—11.

House—Mr. Speaker, Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dummett, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Pope, Rowley, Shine and Wall—17. Total—28.

FOR WOODWARD.—*Senate*—Messrs. Criglar, Myrick and Nicholson—3.

House.—Messrs. Brown, Carter, Dismukea, Fennell, Neel, Riviere, and Thompson of Santa Rosa—7. Total 10.

FOR PARKER.—*Senate*—Messrs. Cone and Long—2.

House.—Messrs. Baisden, Penn, Porter and VanZant—5. Total 7.

BLANK.—*Senate*—0.

House.—Messrs. Hollaman, Langford, Parsons and Thompson of Levy 4. Total 4.

The President declared that there was no election.

Mr. Myrick withdrew the nomination of Mr. Woodward.

The fourth voting resulted as follows:

FOR SAVAGE.—*Senate*—Mr. President, Messrs. Bird, Brinson, Eppes, Filor, Gillis, Hawes, Hopkins, Myrick, Nicholson, Provence, Smith and Tracy—13.

House—Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Langford, Neel, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa and Wall—22. Total 35.

FOR PARKER.—*Senate*—Messrs. Cone, Criglar and Long—3.

House—Messrs. Baisden, Brown, Carter, Penn, Porter, Prescott and VanZant—7. Total 10.

BLANK.—*Senate*—0.

House—Mr. Speaker, Messrs. Hollaman, Parsons and Thompson of Levy—4. Total—4.

The President declared Mr. Savage duly elected Clerk of the Supreme Court of the State of Florida.

The Joint Meeting then adjourned, and the Senate returned to their Chamber.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M

The House resumed its session—a quorum present.

The following Bills and Resolutions, which had passed both Hou-

ses of the General Assembly, and had been duly enrolled and signed, were transmitted to his Excellency the Governor, viz :

A bill to be entitled an act to provide for the appointment of Inspectors of Tar and Turpentine in this State ;

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for a Commercial Railroad Depot ;

A bill to be entitled an act to change the name and establish the County site of St. Lucie County ;

A bill to be entitled an act to admit Anderson J. Peeler to practice Law in the several Courts of this State ;

A bill to be entitled an act to provide for and encourage a liberal system of Internal Improvements in this State.

The rule being waived, Mr. Rowley was permitted to introduce, without previous notice, a bill to be entitled an act to amend an act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola, passed the House December 22, 1854 ;

Which was read the first time, the rule waived, read the second and third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Langford, Neel, Penn, Pope, Prescott, Riviere, Rowley, VanZant and Wall—24.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Brown was permitted to introduce, without previous notice, a bill to be entitled an act to prevent white females from living in an open state of adultery or adultery and fornication, within the State of Florida, with negroes and other persons of color ;

Which was read and the rule being waived, read the second time.

On motion of Mr. Pope, the bill was amended by inserting the words " or male " after the word " female."

Mr. Dammett moved that the bill be indefinitely postponed ;

Which was not agreed to.

On motion the rules were waived, and said bill was read a third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Dismukes, Fennell, Hollaman, Neel, Penn, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa and Wall—16.

Nays—Messrs. Dell, Dummett, Haddock, Harris, Haynes, Johnston, Langford, Porter and Prescott—9.

So the bill passed,

On motion of Mr. Pope, the title of said bill was amended by inserting the words " and males " after the word " females."

Ordered that the passage of said bill be certified to the Senate.

The rule being waived, Mr. Dell was permitted to introduce without previous notice, a bill to be entitled An act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River ;

Which was read the first time, the rule waived, read the second and third times and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Levy, VanZant and Wall—29.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, the Committee on State Lands, made the following report:

The Committee on State Lands, to whom was referred a Bill to regulate the sale of State Lands,

REPORT:

That there is at present no guard or check upon the office of Register; that there is no proper accountability, and no means of discovering errors.

Your Committee having examined this subject with a view to devising some proper system, which would have the merit both of simplicity and security of the public interests, believe this Bill will meet all the requirements, whilst it does not increase the expense. Although we do not fear the present incumbent will at any time abuse the trust imposed on him, still we may be taxed with an officer who does not have so large a share of public confidence, and therefore think all the guards and checks which we have recommended will relieve that officer from much unpleasant responsibility, and recommend the passage of the Bill, with the amendment annexed thereto.

JAMES F. THOMPSON,

Chairman.

Which was read, the amendments concurred in, and the accompanying bill placed among the Orders of the Day.

The Committee on State Lands made the following report:

The Committee on State Lands,

REPORT:

That the Agents appointed to secure the Swamp and Overflowed Lands granted the State of Florida by Act of Congress, dated September 28, 1850, represent that, notwithstanding the diligence they have exercised in the performance of their duties since the date of contract—viz: November 21, 1851—resulting in the selection of more than eight millions of acres, and the compilation of tract books

and plats embracing the entire surveyed area of the State, much still remains to be done, both in the field and office. And whereas they further represent, that the expense incurred has far exceeded ordinary estimates, owing in a great measure to the amount of office work done beyond the obligations of their contract, leaving them in fact unable to proceed, except under great disadvantage and embarrassment, the Committee are of opinion that the Trustees of the Internal Improvement Fund have the power to settle with, or make advances to, the Agents on account; but to settle any doubt that might arise, recommend the passage of the following Resolution.

JAMES F. THOMPSON,
Chairman.

Which was received, and the accompanying resolution read the first time, and ordered to be read a second time on to-morrow.

The rule being waived, Mr. Parsons was permitted to introduce without previous notice a bill to be entitled An act to repeal all Acts granting licenses to retailers of Spirituous Liquors;

Which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled An act for the preservation of Bridges;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Chaires, Christie, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Neel, Penn, Pope, Porter, Prescott, Riviere and Wall—23.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend the attachment laws now in force in this State;

Was read the second time.

Mr. Rowley moved to amend the bill by striking out "County," and inserting "Judicial District;"

Which was not agreed to.

Mr. Parsons moved to amend the bill by adding the following, "That hereafter an attachment may be taken and shall be held valid in all cases where a contract to pay is not complied with;"

Which amendment was not agreed to.

Mr. Carter moved that the bill be referred to a Select Committee;

Which was not agreed to.

On motion, the rules were waived and said bill was read a third time by its title, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Haddock, Harris, Haynes, Jones of Nassau, Neel, Parsons, Penn, Pope, Prescott, Riviere, VanZant and Wall—21.

Nays—Mr. Speaker, Messrs. Carter, Chaires, Galbraith, Hollaman, Johnston, Langford, Porter, Rowley, Shine, Thompson of Levy and Thompson of Santa Rosa—12.

So said bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to locate the Seminary of Learning to be established West of the Suwannee River, in this State;

Was read the second time.

Mr. Rowley moved that the bill be indefinitely postponed;

Upon which motion the yeas and nays were called for by Messrs. Rowley and Galbraith, and were as follows:

Yeas—Messrs. Brown, Fennell, Haddock, Porter, Riviere and Rowley—6.

Nays—Mr. Speaker, Messrs. Baisden, Carter, Chaires, Christie, Coombs, Dummett, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Wall—23.

So the House refused to postpone the bill indefinitely.

Mr. Porter moved to amend the bill by striking out "Tallahassee" and inserting "Marianna;"

Which amendment was not agreed to.

On motion of Mr. Rowley, the rules were waived, and said bill was read a third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Carter, Chaires, Christie, Coombs, Dummett, Galbraith, Harris, Haynes, Johnston, Langford, Parsons, Penn, Pope, Prescott, Shine, Thompson of Levy, VanZant and Wall—19.

Nays—Messrs. Baisden, Brown, Dell, Dismukes, Fennell, Hollaman, Jones of Nassau, Porter, Riviere, Rowley and Thompson of Santa Rosa—11.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Mr. Rowley moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which was not agreed to.

On motion, leave of absence was granted to Mr. Carter for the balance of the evening;

Mr. Rowley moved that the House adjourn until to-morrow, 9 o'clock, A. M.;

Which was not agreed to.

Mr. Rowley moved that the House adjourn until to-morrow, 9½ o'clock, A. M.;

Which was not agreed to.

A Bill to be entitled an Act to provide for the location of the State Seminary west of the Suwannee River;

Was read the second time.

Mr. Dummett moved that the bill be indefinitely postponed ;

Upon which motion the yeas and nays were called for by Messrs. Rowley and Dummett, and were as follows :

Yeas—Mr. Speaker, Messrs. Baisden, Chaires, Christie, Coombs, Dummett, Fennell, Galbraith, Harris, Neel, Penn, Prescott, Shine and Thompson of Levy—14.

Nays—Messrs. Brown, Dell, Dismukes, Haynes, Hollaman, Johnston, Langford, Parsons, Pope, Porter, Riviere, Rowley, Thompson of Santa Rosa and Wall—14.

So the House refused to postpone the Bill indefinitely.

On motion, said Bill was laid on the table.

A Bill to be entitled an Act to cede certain property to the city of Key West ;

Was read the third time, and upon the question of its passage the vote was :

Yeas—Messrs. Baisden, Brown, Chaires, Dell, Dismukes, Fennell, Haddock, Langford, Neel, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Wall—19.

Nays—Messrs. Christie, Coombs, Harris, Haynes, Hollaman, Johnston, Parsons and Thompson of Levy—8.

So the Bill passed, title as stated.

Ordered that the same be certified to the Senate.

Mr. Haddock moved that the House adjourn until to-morrow, 9 o'clock, A. M. ;

Which was not agreed to.

On motion of Mr. Dell, Mr. Wall was excused from further attendance after to-morrow.

On motion of Mr. Galbraith, Mr. Fennell was excused from further attendance after Tuesday next.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

SATURDAY, January 6, 1855.

The House met pursuant to adjournment.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following bills which had passed the House were transmitted to the Senate, viz :

A bill to be entitled an act to amend the Attachment Laws now in force in this State ;

A bill to be entitled an act to locate the Seminary of Learning to be established west of the Suwannee River in this State ;

A bill to be entitled an act to authorize W. M. C. Neel to establish a ferry across the Chattahoochee River ;

A bill to be entitled an act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

A bill to be entitled an act to repeal an act entitled an act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853 ;

A bill to be entitled an act defining the duties of Witnesses in the several Courts of this State ;

A bill to be entitled an act to legitimize and change the names of certain persons therein named ;

A bill to be entitled an act for the preservation of Bridges ;

A bill to be entitled an act amendatory of the act to provide for the payment of Coroner's Juries, approved January 24, 1851 ;

A bill to be entitled an act to cede certain property to the City of Key West ;

A bill to be entitled an act to amend an act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola, passed the House December 22, 1854 ;

A bill to be entitled an act to prevent white females and males from living in an open state of adultery or adultery and fornication, within the State of Florida, with negroes and other persons of color.

The rule being waived, Mr. Dell was permitted to introduce, without previous notice, a bill to be entitled an act regulating the sale of State Lands ;

Which was read the first time, the rule waived, read the second time by its title, and referred to a Select Committee consisting of Messrs. Dell, Parsons and Galbraith.

The rule being waived, Mr. Galbraith was permitted to introduce, without previous notice, a bill to be entitled an act providing for the manner of carrying up appeals from the Justice's Courts, and for other purposes ;

Which was read the first time, the rule waived, read a second time by its title, and ordered to be read a third time on Monday next.

The rule being waived, Mr. Pope was permitted to introduce, without previous notice, a bill to be entitled an act to prevent persons from attempting to entice or steal slaves ;

Which was read the first time, the rule waived, read the second and third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Thompson of Santa Rosa, VanZant and Wall—25.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Pope was permitted to introduce, without previous notice, the following bills, viz :

A bill to be entitled an act to extend the time contained in the act incorporating the Columbus Bridge Company ; and

A bill to be entitled An act to organize the County of Taylor ;

Which were read the first time, and ordered to be read a second time on Monday next.

The rule being waived, Mr. Dismukes was permitted to introduce without previous notice, a bill to be entitled An act to organize the County of Liberty ;

Which was read the first time, and ordered to be read a second time on Monday next.

On motion of Mr. Galbraith, leave of absence was granted to Mr. Chaires until Monday next.

On motion of Mr. Pope, the Committee on Internal Improvements was instructed to report on Monday next, on a bill providing for removing obstructions to the navigation of the Suwannee River, and that Mr. Shine be authorized to act as Chairman of said Committee for that purpose.

The following Message from the Senate was read :

SENATE CHAMBER,
January 6, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills and resolutions, viz :

A bill to be entitled An act to amend the general act for the Incorporation of Towns, Academies and Religious Societies, approved January 6th, 1847 ;

A bill to be entitled An act for the relief of Doctor William S. Wilson, and others ;

A bill to be entitled An act granting aid to the County of Putnam to build a Court House and Jail ;

A bill to be entitled An act concerning Interest ;

House bill to be entitled An act to amend an act, approved November 21st, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State, without amendment.

House bill to be entitled An act authorizing the sale of the State Lands lying on the disputed Boundary Line between the States of Georgia and Florida, has been indefinitely postponed by the Senate

House resolution authorizing the Governor to contract for the transportation of the Laws and Journals of the present General Assembly, and for other purposes, has been lost in the Senate ; and

House bill to be entitled An act to amend An act entitled an act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852, with the following amendment, viz :

Insert the word "quarter" between the words "exceed" and "one" in the 8th line of the 1st section.

In which amendment, the concurrence of the House of Representatives is respectfully requested.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the House bills which had passed the Senate, without amendment, be enrolled, and that the Senate bills and amended House bills be placed among the Orders of the Day.

The Committee on Schools and Colleges made the following report:

The Committee on Schools and Colleges, to whom was referred "A bill to be entitled An act to amend An act entitled An act to provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes," have had the same under consideration and

REPORT:

That the object of the bill is first, to provide for the election of a Treasurer to the Board of Education of the two Seminaries of Learning: Secondly, to make a provision by which the Eastern Seminary may borrow means from the Seminary Fund, for the purpose of procuring Philosophical and Chemical Apparatus and a Library. Your Committee believe that it is the true interest of the State to encourage by every means these two Seminaries of Learning, and extend to them every facility that they may become worthy of the State, and competent to afford a finished scientific education to our young men. Your Committee see no reason why the loan asked for in the bill should not be granted, as ample provision is made for its security.

J. B. GALBRAITH,

Chairman.

Which was received, and the accompanying bill placed among the Orders of the Day.

Mr. Brown introduced a resolution asking Congress to include St. Andrew's among the Ports upon the route of mail steamers from New Orleans to Key West;

Which was read the first time, the rule waived, read the second and third times, and adopted.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Parsons was permitted to introduce, without previous notice, a bill to be entitled An act making appropriations for the fiscal year 1855;

Which was read the first time, the rule waived, read a second time by its title, and referred to the Committee on Finance and Public Accounts.

ORDERS OF THE DAY.

A resolution for the relief of L. C. Demilly ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Coombs, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—24.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to amend the Act amendatory of the Act to organize the Supreme Court of the State ;

Came up on its second reading and was postponed until Wednesday next.

Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company ;

Was read the third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris, Haynes, Jones of Nassau, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—25.

Nays—Messrs. Fennell, Haddock and Langford—3.

So the bill was lost, not having received the requisite Constitutional majority.

On motion, said vote was re-considered, and said bill was again put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst.—29.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company ;

Was read the third time.

On motion of Mr. Dummett, the rules were waived and said bill was placed back upon its second reading.

On motion of Mr. Dummett, the Sixth Section of the bill was stricken out.

On motion, the rules were waived, and said bill was read a third

time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Parsons, Pope, Porter, Prescott, Riviere, Rowley, Thompson of Levy, VanZant, Wall and Whitehurst—25.

Nays—Messrs. Baisden, Langford, Shine and Thompson of Santa Rosa—4.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes ;

Was read the second time.

On motion of Mr. Rowley, the Proviso at the end of the third Section was stricken out.

On motion of Mr. Riviere, the third Section was amended by inserting the word "Jackson" after the word "Walton."

On motion of Mr. Brown, the third Section was amended by inserting the word "Washington" after the word "Jackson."

The rule being waived the bill was read a third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Harris, Haynes, Hollaman, Jones of Nassau, Parsons, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—21.

Nays—Messrs. Langford, Penn, Prescott and VanZant—4.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to alter and change the laws now in force in this State in reference to the limitation of actions ;

Was read the second time, and ordered to be read a third time on Monday next.

A bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws of this State ;

Was read the second time, the rule waived, read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—26.

Nays—Mr. Riviere—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. VanZant was permitted to introduce

without previous notice a bill to be entitled An act to amend An act concerning Roads and Highways now in force in this State, approved January 5, 1847;

Which was read the first time, the rule waived, read the second time by its title, and referred to a Select Committee consisting of Messrs. Haddock, Rowley and Dismukes.

A bill to be entitled An act to incorporate the Lagoon and Perdidó Company;

Was read the second time, and referred to a Select Committee consisting of Messrs. Thompson of Levy, Rowley and Penn.

Senate bill to be entitled An act for the relief of James M. Landrum, Solicitor of the Western Circuit of the State of Florida;

Was read the second time, the rule waived, read the third time by its title, and upon the question of its passage, the vote was:

Yeas—Messrs. Bellamy, Brown, Christie, Coombs, Dismukes, Dummett, Galbraith, Harris, Haynes, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, Wall and Whitehurst—22.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Parsons was permitted to introduce without previous notice, a bill to be entitled An act in relation to the sale of spirituous liquors;

Which was read the first time and ordered to be read a second time on Monday next.

The rule being waived the following report was received:

The Select Committee to whom was referred the petition of sundry masters of vessels, and citizens residing on the St. Johns River, having had the same under consideration, beg leave to

REPORT:

That they are of opinion that the evil complained of is now without adequate remedy, and should be provided against by legislation, and with that view submit the accompanying bill.

MILTON HAYNES, Chairman.

E. WALL,

E. J. DUMMETT.

The accompanying bill to be entitled An act to prevent the employment of negroes as Pilots on the Waters of St. John's River;

Was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Parsons, Pope, Prescott, Rowley, Shine, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—21.

Nays—Messrs. Fennell, Langford, Penn and Riviere—4.

So said bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to create a Fifth Judicial Circuit ;

Was read the second time.

Mr. Galbraith moved a call of the House, which was ordered.

Upon calling the roll, the following members answered to their names, viz :

Mr. Speaker, Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Pern, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst.

Mr. Pope moved that further proceedings under the call be dispensed with ;

On which motion, the yeas and nays were called for by Messrs. Thompson of Levy and Parsons, and were as follows :

Yeas—Messrs. Baisden, Bellamy, Coombs, Dismukes, Fennell, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—18.

Nays—Mr. Speaker, Messrs. Brown, Christie, Dummett, Galbraith, Parsons, Penn and Thompson of Levy—8.

So further proceedings under the call were dispensed with.

Mr. Rowley moved that the amendments to the bill under consideration, recommended by the Judiciary Committee, be concurred in.

Mr. Galbraith moved a call of the House, which not being ordered, Mr. Galbraith insisted that under the rules of the House any two members had a right to have a call of the House.

The Speaker decided any two members had such right.

Mr. Pope appealed from the decision of the Chair.

Upon the question " Shall the decision of the Chair be sustained ?" the yeas and nays were called for, and were as follows :

Yeas—Messrs. Bellamy, Galbraith, Harris, Parsons, Penn and Thompson of Levy—6.

Nays—Messrs. Baisden, Brown, Christie, Coombs, Dismukes, Dummett, Fennell, Haddock, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Shine, Thompson of Santa Rosa, Wall and Whitehurst—20.

So the decision of the Chair was not sustained.

The motion to concur in the amendments recommended to said bill being considered, the Speaker decided the amendments to be out of order, inasmuch as they were, in substance, the same provisions that were embraced in a bill which had previously been indefinitely postponed by the House.

Mr. Rowley appealed from the decision of the Chair.

Upon the question " shall the decision of the Chair be sustained ?" the yeas and nays were called for, and were as follows :

Yeas—Messrs. Dell, Dummett, Galbraith, Haddock, Parsons, Penn and Thompson of Levy—7.

Nays—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dismukes, Fennell, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—21.

So the decision of the Chair was not sustained.

Mr. Galbraith moved that the bill be laid upon the table,

Which was not agreed to.

Upon the question of concurring in the amendments recommended by the Judiciary Committee, the yeas and nays were called for by Messrs. Galbraith and Rowley, and were as follows:

Yeas—Messrs. Baisden, Bellamy, Brown, Christie, Coombs, Dismukes, Fennell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—22.

Nays—Mr. Speaker, Messrs. Dell, Dummett, Galbraith, Parsons, Penn and Thompson of Levy—7.

Mr. Dell moved that the House resolve itself into a Committee of the Whole for the consideration of said bill.

Mr. Galbraith moved that the bill be read a third time on Monday next;

Which was agreed to.

Mr. Galbraith moved that the House take a recess until 3 o'clock, P. M.;

Which was not agreed to.

On motion of Mr. Shine, the House reconsidered the vote ordering said bill to be read a third time on Monday next.

Mr. Galbraith moved that the House take a recess until half past 3 o'clock, P. M.;

Which was not agreed to.

Mr. Thompson of Levy moved that the House adjourn until tomorrow morning 9 o'clock;

Upon which the yeas and nays were called for by Messrs. Langford and Dismukes, and were as follows:

Yeas—Messrs. Bellamy, Parsons, Penn and Thompson of Levy—4.

Nays—Mr. Speaker, Messrs. Baisden, Brown, Christie, Coombs, Dismukes, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Thompson of Santa Rosa, Wall and Whitehurst—23.

So the House refused to adjourn.

Mr. Galbraith moved that the House adjourn until Monday morning, 10 o'clock;

Upon which motion the yeas and nays were called for by Messrs. Langford and Rowley, and were as follows:

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Coombs, Dismukes, Dummett, Galbraith, Hollaman, Johnston, Parsons, Penn and Thompson of Levy—12.

Nays—Messrs. Baisden, Dell, Fennell, Harris, Haynes, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—15.

So the House refused to adjourn.

Mr. Galbraith moved that the House adjourn until Monday morning, 9 o'clock ;

Upon which motion, the yeas and nays were called for by Messrs. Galbraith and Rowley, and were as follows :

Yeas—Mr. Speaker, Messrs. Bellamy, Christie, Dismukes, Dummett, Galbraith, Johnston, Parsons, Penn and Thompson of Levy—10.

Nays—Messrs. Baisden, Brown, Coombs, Dell, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Wall and Whitehurst—19.

So the House refused to adjourn.

Mr. Dell moved that the House take a recess until 3 o'clock, P. M. and called for the previous question.

Mr. Galbraith moved to amend the motion to make it for an adjournment until Monday morning, 10 o'clock.

The Chair decided the motion to amend, to be out of order.

Mr. Galbraith appealed from the decision of the Chair.

The House sustained the decision of the Chair.

Mr. Galbraith moved that the House adjourn until Monday morning, 10 o'clock.

The Chair decided the motion to be out of order pending the call for the previous question upon a motion to take a recess.

Mr. Galbraith appealed from the decision of the Chair.

Upon the question "shall the decision of the Chair be sustained?" the yeas and nays were called for and were as follows :

Yeas—Messrs. Baisden, Brown, Coombs, Dell, Dismukes, Fennell, Haynes, Hollaman, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, Wall and Whitehurst—20.

Nays—Messrs. Dummett, Galbraith, Johnston, Parsons and Penn—5.

So the House sustained the decision of the Chair.

Mr. Galbraith moved that the House adjourn until Monday morning, 5 minutes past 9 o'clock ;

The Chair decided the motion to be out of order.

Mr. Galbraith appealed from the decision of the Chair.

Upon the motion "Shall the decision of the Chair be sustained?" the yeas and nays were called for by Messrs. Galbraith and Shine, and were as follows :

Yeas—Messrs. Christie, Dell, Dismukes, Fennell, Haddock, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, Vanzant, Wall and Whitehurst—19.

Nays—Messrs. Bellamy, Dummett, Galbraith, Parsons and Penn—5.

So the House sustained the decision of the Chair.

Mr. Galbraith moved that the House adjourn until Monday morning, 9 o'clock;

Which was not agreed to.

The House then took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session—a quorum present.

Senate bill to be entitled an act to create a Fifth Judicial Circuit, was taken up for consideration.

Mr. Galbraith moved that the House adjourn until Monday morning, 9 o'clock;

Which was not agreed to.

Mr. Pope moved that the House resolve itself into a Committee of the Whole for the consideration of said bill.

Mr. Galbraith moved that the House adjourn until Monday morning, 10 o'clock;

Upon which motion, the yeas and nays were called for by Messrs. Galbraith and Dell, and were as follows:

Yeas—Mr. Speaker, Messrs. Coombs, Galbraith, Parsons and Thompson of Levy—5.

Nays—Messrs. Baisden, Brown, Dell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—17.

So the House refused to adjourn.

Mr. Parsons moved that the House adjourn until Monday morning, half-past 8 o'clock;

Upon which motion, the yeas and nays were called for by Messrs. Galbraith and Dell, and were as follows:

Yeas—Mr. Speaker, Messrs. Coombs, Galbraith and Parsons—4.

Nays—Messrs. Baisden, Christie, Dell, Dummett, Fennell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—20.

So the House refused to adjourn.

Mr. Galbraith moved that the bill be postponed until Monday next;

Upon which motion, the yeas and nays were called for by Messrs. Galbraith and Parsons, and were as follows :

Yeas—Mr. Speaker, Messrs. Galbraith and Parsons—3.

Nays—Messrs. Baisden, Brown, Coombs, Dell, Dismukes, Dummett, Fennell, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Prescott, Riviere, Rowley, Thompson of Santa Rosa and Whitehurst—19.

So the House refused to postpone said bill until Monday next.

Mr. Galbraith moved that the House adjourn until Monday morning half past 9 o'clock ;

Upon which motion the yeas and nays were called for by Messrs. Galbraith and Parsons, and were as follows :

Yeas—Mr. Speaker, Messrs. Dummett, Galbraith and Parsons—4.

Nays—Messrs. Baisden, Brown, Christie, Dell, Dismukes, Fennell, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—20.

So the House refused to adjourn.

Mr. Parsons moved that the House take a recess until 9 o'clock, P. M. ;

Upon which motion the yeas and nays were called for by Messrs. Parsons and Galbraith, and were as follows :

Yeas—Mr. Speaker, Messrs. Galbraith and Parsons—3.

Nays—Messrs. Brown, Christie, Dismukes, Dummett, Fennell, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—20.

So the House refused to take a recess.

Mr. Parsons moved that the House adjourn until 20 minutes past 9 o'clock, on Monday morning ;

Which was not agreed to.

Mr. Galbraith moved that the House adjourn until 6 minutes past 9 o'clock, on Monday morning ;

Upon which the yeas and nays were called for by Messrs. Galbraith and Shine, and were as follows :

Yeas—Mr. Speaker, Messrs. Galbraith and Parsons—3.

Nays—Messrs. Baisden, Brown, Christie, Dismukes, Fennell, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Porter, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—20.

So the House refused to adjourn.

Mr. Parsons moved that the House adjourn until 25 minutes past 9 o'clock, on Monday morning ;

Upon which motion, the yeas and nays were called for by Messrs. Parsons and Galbraith, and were as follows :

Yeas—Mr. Speaker, Messrs. Galbraith and Parsons—3.

Nays—Messrs. Brown, Dismukes, Fennell, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—18.

So the House refused to adjourn.

Mr. Parsons moved that the House adjourn until Monday, 3 o'clock, P. M. ;

Upon which motion, the yeas and nays were called for by Messrs. Parsons and Galbraith, and were as follows:

Yeas—Mr. Speaker, Messrs. Dummett, Haynes and Parsons—4.

Nays—Messrs. Brown, Christie, Dell, Dismukes, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—18.

So the House refused to adjourn.

Mr. Parsons moved that the House adjourn until 35 minutes past 9 o'clock, on Monday morning;

Which was not agreed to.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill—Mr. Harris in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported the bill back to the House with amendments, and asked to be discharged ;

Which report was received, and the bill placed among the Orders of the Day for Monday next, to be taken up at 3 o'clock, P. M.

The rule being waived, Mr. Harris was permitted to introduce, without previous notice, a Bill to be entitled an Act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain land ;

Which was read the first time, and ordered to be read a second time on Monday next.

The rule being waived, Mr. VanZant was permitted to introduce, without previous notice, a Bill concerning Licenses to retail Spirituous Liquors ;

Which was read the first time, the rule waived, read the second time, and ordered to be read a third time on Monday next.

The rule being waived, Mr. Rowley was permitted to introduce, without previous notice, a Bill to be entitled an Act to authorize W. C. Dennis to build a Wharf in the City of Key West ;

Which was read the first time and ordered for a second reading on Monday next.

The rule being waived, Mr. Rowley introduced a Resolution authorizing the Attorney General to institute suit for certain property belonging to the State of Florida ;

Which was read the first time and ordered for a second reading on Monday next.

On motion the House adjourned until Monday morning, 9 o'clock.

MONDAY, January 8, 1855.

The House met pursuant to adjournment.

Upon calling the roll the following members answered to their names, viz:

Mr. Speaker, Messrs. Coombs, Dell, Galbraith, Haddock, Harris, Jones of Nassau, Langford, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and VanZant—16.

A quorum not being present, the Serjeant at Arms was instructed to cause the appearance of the absent members.

The Speaker announced that a quorum was present.

The rule being waived, Mr. Coombs was permitted to introduce without previous notice a bill to be entitled An act regulating Quarantine for the Port of St. Marks;

Which was read the first time, the rule waived, read a second time by its title, and ordered to be read a third time on to-morrow.

Mr. Harris introduced a resolution authorizing the Comptroller to audit certain accounts therein named;

Which was read the first time, the rule waived, read the second time, and ordered to be read a third time on to-morrow.

Messrs. Galbraith and Parsons from the Judiciary Committee, made the following minority report:

The undersigned, members of the Committee on the Judiciary to whom was referred "a bill to be entitled An Act to organize a fifth Judicial Circuit in this State," although we agree with the Committee as to the good policy and necessity of the original bill, do strenuously object to and protest against the amendments proposed by a majority of the Committee.

The question involved in the amendments proposed to the bill, which is the question of the abolishment of the present Supreme Court system, the removal of the Judges of said Court, and the substitution in their place of the Judges of the Circuit Courts, has been already finally disposed of by this House, the bill for that purpose having been indefinitely postponed. By the fortieth rule, "when a question is postponed indefinitely, the same *shall not* be acted upon again during the session," and we cannot, even if we were in favor of the amendments proposed, give our countenance to anything designed to evade and defeat the rules of this body. We believe that such a precedent would be disastrous in the extreme, and tend to confusion and disorganization. This objection to the proposed amendments of the Committee, is sufficient were there no others.

The amendments proposed are designed to have two effects, both of which are beyond the Constitutional power of the General Assembly when acting as merely a Legislative body.

The first object is to remove the present Judges of the Supreme Court, whose terms of office have but recently commenced. The

undersigned declare it as their solemn conviction, from the express language of the Constitution, that Judges can only be removed by impeachment in the manner pointed out by the Constitution, or by the Governor of the State on the address of two thirds of both branches of the General Assembly. As the mode proposed by these amendments, is inconsistent with these provisions of the Constitution, we can see no cause or warrant for their introduction. They are directly opposed to that Constitution which each member of this General Assembly has sworn to support. The clause of the Constitution which points out the manner of removing Judges, is as follows:

"The Justices of the Supreme Court, and Judges of the Circuit Courts, shall be elected for a term of eight years, and *shall hold their offices for that term*, unless sooner removed under the provisions made in this constitution for the removal of Judges by address or impeachment; and for wilful neglect of duty or other reasonable cause, which shall not be sufficient ground for impeachment, the Governor shall remove any of them on the address of two-thirds of the General Assembly: *Provided, however*, That the cause or causes shall be stated at length in such address, and entered on the Journals of each House: *And Provided further*, That the cause or causes shall be notified to the Judge so intended to be removed, and he shall be admitted to a hearing in his own defence, before any vote for such removal shall pass; and in such cases, the vote shall be taken by yeas and nays, and entered on the Journals of each House respectively." 2nd article, Amendments Constitution.

The undersigned, were they otherwise prepared to vote for the removal of the present Judges, which they are not by any means, could not do so by a mode so greatly in violation of the constitution as to amount to an attempted usurpation by the General Assembly of powers not granted to it by the people's constitution. If these amendments should pass by a majority of two thirds of both branches of the General Assembly, they would still not be constitutional, because they are neither an address nor an impeachment. These amendments do not specify any charges against the Judges, nor have we given them an opportunity to defend themselves. The amendments are, on their face, nothing more than an ordinary act of legislation, directed to an object not warranted by the constitution.

The second object and effect of the amendments, is to appoint other persons to the office of Judges of the Supreme Court. Now, we inquire, by what part of the Constitution this power is conferred upon the Legislature? It is true that this power was originally vested in the Legislature for five years, or *until* the Legislature should otherwise provide. But the Legislature in 1851 did otherwise provide by the organization of a separate Supreme Court, and the limited number of five years has expired. Moreover, in 1853 the Constitution was so amended as to give the election of all the

Judges directly to the people, so that now no proposition can be more palpably a usurpation than for the Legislature to attempt to appoint Judges either of the Supreme or Circuit Courts. The clauses of the constitution relative to this point are as follows :

"For the term of five years from the election of the Judges of the Circuit Courts, and thereafter, *until* the General Assembly shall otherwise provide, the powers of the Supreme Court shall be vested in, and its duties performed by the Judges of the several Circuit Courts within this State, and they, or a majority of them, shall hold such sessions of the Supreme Court, and at such times as may be directed by law." Constitution, Article 3, clause 3.

Also article 2nd amendments, which has already been quoted.

Also section 1, No. 1, p. 29, amendments adopted by the fifth and sixth General Assemblies.

"*Be it further enacted*, That whenever the General Assembly shall create a separate Supreme Court, or Chancery Court under the provisions of this Constitution, the Judges thereof shall be elected in the manner provided in the first section of this act, and shall hold their offices for the same term, and be subject to all the provisions of said first section : *Provided, however*, That the Judges of the Supreme Court *shall* be elected by *general ticket*; and the Judges of the Chancery Court shall be elected by general ticket or by districts, as the Legislature may direct."

Section 1 of the same act referred to above, provides that, "on the first Monday in October, and every six years thereafter, there shall be elected by the *qualified electors* of each of the respective Judicial Circuits of this State, one Judge of the Circuit Court," &c.

Now it cannot fail to occur to any mind as conclusive, that even if the Legislature had power to act in this matter, and might *impute* the election by the people of the Circuit Judges, and therefore, compel them to act as Supreme Judges without consent on their part, still the foregoing proviso in the Constitution expressly renders Circuit Judges incompetent to act as Supreme Judges, for they have not been elected by general ticket as required by the Constitution. From this view of the subject, the undersigned conclude, First, The Legislature have no power, under the Constitution, to appoint Judges of the Supreme Court : Second, That the Circuit Judges are not eligible to seats on the Supreme Bench, because not elected by general ticket ; and because the Constitution forbids any person to hold two offices of honor or profit in this State. By the express language of the Constitution above quoted, the offices of Judges of the Supreme and Circuit Courts are made distinct and separate offices, filled by different processes, the one by districts and the other by *general ticket*.

The undersigned will be pardoned for referring to arguments which they have heard made in support of the exercise of the power now in question. It has been assumed that the Legislature created or ordained

the existence of the Supreme Court, and upon this assumption an argument is based that the Legislature may therefore abolish or terminate the existence of that tribunal. Now the premises on which this argument rests are false in fact, for it is plain, from the language of the 1st clause of the 5th Article of the Constitution, that "the judicial power of this State shall be vested in a *Supreme Court*," &c., and the 2d clause of the same Article expressly declares that the *Supreme Court* shall have appellate jurisdiction only, &c., "*Provided*, That said Court shall always have power to issue writs of injunction, mandamus, quo warranto, habeas corpus, and such other remedial and original writs as may be necessary to give it a general superintendence and control of *all other Courts*."

Thus it is obvious that so far from the argument being true, the contrary is clearly true. The *Constitution* ordains the Supreme Court, and expressly points out all its jurisdiction, both appellate and original.

Again it has been assumed by way of argument, that the Legislature may now appoint the Circuit Court Judges to fill the office and discharge the duties of the Supreme Court, because, it is said, the Legislature did once exercise this power, &c. Now this assumption is equally a mistake of fact. The Legislature never did authorize or attempt to authorize the Circuit Court Judges to exercise the powers and discharge the duties of the Supreme Court. The Constitution prescribed this duty of the first Circuit Judges, and limited the time during which they should so act, as fully appears from the 3d clause of the 5th Article of the Constitution, hereinbefore quoted. The Legislature had nothing to do with the matter, under the Constitution, nor did it undertake, in point of fact, to exercise any such power in the premises.

The undersigned being limited in time, may not more at length enter into the reasons which impel them to dissent from the report of the majority of the Committee. They believe the amendments proposed to the bill to be unconstitutional, a gross usurpation of power, and therefore disorganizing and revolutionary in their character. The undersigned are fully persuaded that there is no more authority or warrant in the Constitution for these proposed amendments for removing and appointing Supreme Judges by the Legislature, than there is in the same instrument for the removal and appointment of the Governor by the legislative department of the government, each department being distinct from, and independent of the other.

Respectfully submitted,

J. B. GALBRAITH,
JOHN PARSONS.

Which was read and 100 copies ordered to be printed.

The Committee on Internal Improvements made the following report :

The Committee on Internal Improvements, to whom was referred a bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River,

REPORT:

That they have had the same under consideration, and for reasons appearing on the face of the bill, cannot recommend it to the favorable notice of the House.

The improvement mentioned, may be, and doubtless is, one of importance, but it will be seen that the bill proposes to pay the contractor who undertakes and completes the work, with lands situated on the Suwannee River, known as swamp and overflowed lands.—In view of the legislation of the present session, by which such lands are pledged for other and different purposes, the Committee cannot give their approbation to any such disposition of them as is proposed in the bill. If done, it would be inconsistent legislation, possibly giving rise to difficulty and embarrassment.

The Committee, therefore, recommend that the bill do not pass.

R. A. SHINE,
Chairman, pro tem.

Messrs. Pope and Harris dissenting.

Which was read, and the accompanying bill placed among the Orders of the Day.

The following report was received:

The Select Committee, to whom was referred a bill to be entitled An act regulating the sale of State Lands,

REPORT:

That the importance of establishing a system of accountability in reference to the State Lands is conceded by all; and also urged by the Register.

Your Committee think the bill referred to them defective in some important particulars, and that it does not provide for such a system as is demanded by the importance of the interests involved.

Should the Trustees of the Internal Improvement Fund require the services of the Register for the disposal of its lands, there will shortly be ten millions of acres under their control through his office.

Your Committee have, therefore, drawn a new bill which they believe will meet all the requirements of the State interest, will establish a system also for the Internal Improvement Lands, should the Trustees see fit to adopt it, and relieve the Register from much undesired responsibility.

They therefore present it as a substitute, and recommend its adoption.

Respectfully submitted,
PHILIP DELL,
J. B. GALBRAITH,
JNO. PARSONS.

Which was read, and the accompanying bill and substitute placed among the Orders of the Day.

The following report was received :

The Select Committee, to whom was referred the bill to be entitled An act to incorporate the Lagoon and Perdido Company, report the same back with amendments.

The Committee are of opinion that if ever the Canal is finished under the provisions of the charter asked for, that the same will yield a profit of not less than ten per cent. per annum the first year it goes into operation, from the representations made. It is asserted that said river is as well timbered as the St. John's was before mills were built there, and capable of producing, in a single year, thirty million of feet, taking the data from mills in the neighborhood. From one mill alone, the amount is six million feet in one year. The estimates for building said canal are twelve thousand dollars. Your Committee are of opinion that if said estimates were raised to thirty thousand dollars, and even half the lumber is made on said river as is here estimated it is capable of producing, the time for said canal charter to exist should be shortened as we suggest, as any one can see almost at a glance, that the stock is capable of producing from fifty to one hundred per cent., and it strikes them as rather bad *paying stock these hard times*. Therefore, your Committee hope the amendments will be adopted.

JAMES F. THOMPSON, Chairman.

JAMES P. PENN,

LYMAN W. ROWLEY.

Which was received and the accompanying bill placed among the Orders of the Day.

The Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined the following Bills, and find the same correctly Enrolled :

A bill to be entitled An act for the relief of purchasers of Swamp or Internal Improvement Lands, from the United States ;

A bill to be entitled An act to organize the County of Manatee ;

A bill to be entitled An act to prevent planting without a fence in Walton County ;

A bill to be entitled An act to amend An act, approved November 21, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State ;

A bill to be entitled An act to authorize Benjamin Marshall to charge wharfage in the Town of Milton ;

A bill to be entitled An act to authorize Elijah Johnson & Co., to establish a Ferry across the Chattahoochee River ;

Resolution relative to Mail Routes.

Respectfully submitted,

J. T. BAISDEN,

Chairman.

The rule being waived, Mr. Harris was permitted to introduce without previous notice a bill to be entitled An Act to change the times of holding the Circuit Courts in the Eastern Circuit of Florida;

Which was read the first time, the rule waived, read a second time by its title, and ordered to be read a third time on to-morrow.

ORDERS OF THE DAY.

A bill to be entitled An Act to repeal several Acts therein mentioned;

Was read the second time.

Mr. Shine moved to strike out the first Section;

Upon which motion, the yeas and nays were called for by Messrs. Shine and Chaires, and were as follows:

Yeas—Messrs. Brown, Chaires, Coombs, Fennell, Porter, Rowley, Shine and Thompson of Santa Rosa—8.

Nays—Messrs. Baisden, Dell, Dummett, Haddock, Harris, Haynes, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Thompson of Levy and VanZant—14.

So the House refused to strike out the first Section.

On motion, said bill was referred to the Committee on Internal Improvements.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session. A quorum present.

Senate bill to be entitled An act to create a fifth Judicial Circuit;

Came up on its second reading.

On motion, the amendment recommended by the Committee of the Whole was concurred in.

On motion, the bill was postponed until to-morrow.

A bill to be entitled An act in relation to Dower;

Was read the second time, and on motion of Mr. Rowley, indefinitely postponed.

A bill to be entitled An act to amend the 4th clause of the 3d chapter of the 4th division of the laws, in relation to Crimes and Misdemeanors;

Was read the second time, the rule waived, read the third time, and upon the question of its passage, the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Fennell, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Whitehurst—26.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to regulate the sale of State Lands;

Was read the second time and laid on the table.

A bill to be entitled An act to graduate the price of the State Lands in Florida;

Was read the second time and referred to the Committee on State Lands.

A bill to be entitled An act for the relief of John M. Hanson and U. Reddick;

Was read the second time, and referred to the Committee on State Lands.

A bill to be entitled An act to establish a regular rate of Commissions for all persons acting as Agents for Masters of Ships or Vessels at the Port of Key West;

Was read the second time, the rule waived, read the third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Christie, Dell, Dummett, Fennell, Galbraith, Haddock, Harris, Haynes, Hollaman, Langford, Penn, Pope, Prescott, Riviere, Rowley, Thompson of Santa Rosa, VanZant and Whitehurst—21.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A Resolution asking Congress to establish certain Mail Routes in Alachua County;

Was read the second time, and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Dell was permitted to introduce without previous notice a bill to be entitled An Act to regulate and establish the fees of the Secretary of State;

Which was read the first time, the rule waived, read the second time by its title, and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Thompson of Levy was permitted to introduce without previous notice a bill to be entitled An Act to change the time of holding Court in the Southern Judicial District of Florida;

Which was read the first time, and ordered to be read a second time on to-morrow.

A bill to be entitled An Act to provide for the expenses of Florida in the settlement of Boundary with the State of Georgia;

Was read the second time.

On motion of Mr. Galbraith, the blank in said bill was filled with the word "five."

The rule being waived, said bill was then read a third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Coombs, Fennell, Galbraith, Haddock, Harris, Haynes, Parsons, Penn, Pope, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—15.

Nays—Messrs. Dismukes, Hollaman, Langford, Prescott, Riviere, Rowley and VanZant—7.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, the Committee on Internal Improvements made the following Report :

The Committee on Internal Improvements, to whom was referred An act to amend an act to incorporate the Pensacola and Georgia Rail Road Company,

REPORT:

That they recommend the annexed bill as a substitute for the original bill, which was not satisfactory to the Company. Your Committee have drawn this bill in order to adapt the Act of Incorporation to the system of Internal Improvement, provided for at the present session.

J. CARTER,
Chairman.

Which report was received, the substitute adopted, and 75 copies ordered to be printed.

A bill to be entitled An act in relation to proof of title to land, and for other purposes;

Came up on its third reading and was laid on the table.

The rule being waived, Mr. Pope was permitted to introduce, without previous notice, a Bill to be entitled an Act to prevent persons encamping from leaving fire at their camps;

Which was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Brown, Coombs, Dell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—20.

Nays—Mr. Prescott—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate Resolution relative to copying the Laws of the present session ;

Was read the second time.

On motion of Mr. Hollaman, the Resolution was amended by striking out " John G. Smith" and inserting " Moses S. Atkins."

The Resolution was then ordered to be read a third time on to-morrow.

Resolution to pay agents for selecting Swamp Lands;

Was read the second time, the rule waived, read a third time, and put upon its passage, upon which the vote was:

Yeas—Messrs. Baisden, Brown, Christie, Coombs, Dell, Dismukes, Fennell, Galbraith, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Penn, Pope, Prescott, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—21.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled An Act to repeal all Acts granting licenses to retailers of Spirituous Liquors;

Was read the second time.

Mr. Coombs moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called for by Messrs. Pope and Coombs, and were as follows:

Yeas—Messrs. Brown, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Penn, Riviere, Shine, Thompson of Santa Rosa and Whitehurst—17.

Nays—Messrs. Baisden, Fennell, Haddock, Parsons, Pope, Prescott, Thompson of Levy and VanZant—8.

So the bill was indefinitely postponed.

A bill to be entitled An Act to amend An Act entitled An Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852, with the Senate amendment thereto;

Came up in order.

The House refused to concur in said amendment.

Ordered that the same be certified to the Senate.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
Tallahassee, January 8, 1855. }

To HON. W. F. RUSSELL,

Speaker House of Representatives:

SIR:—I respectfully return, without approval, a Bill entitled "An Act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola."

The first section of the bill provides for the appointment by the Governor, with the advice and consent of the General Assembly, of five Commissioners, to be styled "Commissioners of Pilotage of the Bay and Harbor of Pensacola," and provides that "each of the said Commissioners appointed under this act shall, before he enters upon the duties of his office, take and subscribe an oath or affirmation."—The bill contains no provision prescribing the character of such oath or affirmation, and is in that respect considered defective and objectionable.

The 3d section confers certain powers on the Board, and accompanies them with the following provision :

"And said Commissioners shall be liable to the same, and receive the same compensation, heretofore allowed to the Port Wardens for similar services."

It is believed that this clause should read, "liable to the same *penalties* and receive the same compensation," &c. Without such an amendment, it would be difficult to understand the nature of their liability.

The 16th section fixes the rate of Pilotage, and is objectionable for its inequality. It charges a vessel drawing eight feet and under, only two dollars, and a vessel drawing more than eight feet and not exceeding twelve feet, two dollars and fifty cents *per foot*, or from twenty to thirty dollars, according to size. It was doubtless the intention of the framer of the bill to charge the smaller vessels *per foot* also, and with such an addition the Pilots would be properly compensated. The words *per foot* are also omitted on vessels drawing over fifteen and not exceeding eighteen feet of water, and should be added for the protection of the Pilot.

The section is further objectionable in consequence of its charging all Government vessels double Pilotage. The policy of our Government is evidently to increase our Navy, and the true interests of the country require the construction of vessels of War at the South where the timber grows. The advantages of the Pensacola Navy Yard, are perhaps second to none in the South, and it is the interest of the State to invite an extensive increase of business at that point. The notification contained in this section that the Government will be charged double price, would be well calculated to induce a withdrawal, rather than an increase of business there.

The 18th section prescribes the manner in which process may be obtained by the Commissioners for the recovery of forfeitures under the 17th section, and requires the oath to be made before "some Judge or Justice of the Peace, or Clerk of the Circuit Court of Escambia." The law organizing the County of Santa Rosa, provides that "the Courts of the Counties of Escambia and Santa Rosa, respectively, shall have concurrent jurisdiction of offences committed on the waters dividing said Counties." As this Bay divides these Counties, it would seem to be proper that the oath should be authorized before the proper Judicial officers of either.

For these reasons, the bill is returned, and a reconsideration respectfully requested.

JAMES E. BROOME.

Which was read, and the House reconsidered the accompanying bill.

Upon the question of the passage of the bill over the veto of the Governor, the vote was :

Yeas—Messrs. Baisden, Brown, Coombs, Dell, Dismukes, Fen-

nell, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere and Rowley—15.

Nays—Messrs. Harris, Parsons, Shine and Thompson of Levy—4.

A quorum not voting, on motion, the House adjourned until tomorrow, 10 o'clock, A. M.

TUESDAY, January 9, 1855.

The House met pursuant to adjournment.

The Speaker being absent, on motion, Mr. Dell took the Chair.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following communication was addressed to his Excellency the Governor:

HOUSE OF REPRESENTATIVES, }
January 9, 1855. }

HIS EXCELLENCY, JAMES E. BROOME,

Governor of the State of Florida:

SIR:—We have the honor to inform your Excellency, that at a Joint Meeting of the General Assembly, held on the 5th instant, for the purpose of electing a Comptroller of Public Accounts, a State Engineer and Geologist, a Treasurer, and Clerk of the Supreme Court;

Mr. Theodore W. Brevard was declared duly elected Comptroller of Public Accounts of the State of Florida;

Mr. Francis L. Dancy was declared duly elected State Engineer and Geologist;

Mr. Charles H. Austin was declared duly elected Treasurer of the State of Florida;

Mr. John P. K. Savage was declared duly elected Clerk of the Supreme Court of the State of Florida.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

HUGH A. CORLEY,
Clerk Ho. Reps.

The following bills and resolutions, which had passed both Houses, and had been duly enrolled and signed, were transmitted to his Excellency, the Governor, viz:

An act to organize the County of Manatee;

An act to authorize Elijah Johnson & Co., to establish a Ferry across the Chattahoochee River;

An act for the relief of purchasers of Swamp and Internal Improvement Lands from the United States;

An act to authorize Benjamin Marshall to charge Wharfage in the town of Milton;

An act to prevent planting without a fence in Walton County;

An act to amend An act, approved November 21st, 1828, providing for the appointment of Inspectors of Lumber in the various Counties of this State; and

Resolution in relation to Mail Routes.

The following Bills and Resolutions which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act incorporating the Florida and Macon Railway Company;

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes;

A bill to be entitled An act to prevent persons from attempting to entice or steal Slaves;

A bill to be entitled An act to prevent the employment of negroes as Pilots on the waters of St. John's River;

A bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws of this State;

A bill to be entitled An act to amend the 4th clause of the 3d chapter of the 4th division of the laws, in relation to Crimes and Misdemeanors;

A bill to be entitled An act to establish a regular rate of Commissions for all persons acting as Agents for masters of ships or vessels at the Port of Key West;

A bill to be entitled An act to prevent persons encamping, from leaving fire at their Camps;

Senate bill to be entitled An act for the relief of James M. Landrum, Solicitor of the Western Circuit of Florida;

Senate bill to be entitled An act to incorporate the Palatka and Micanopy Plank Road Company;

Senate bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company;

Resolution asking that the New Orleans and Key West Mail Steamer be required touch at St. Andrew's;

Resolution for the relief of L. C. Demilly; and

Resolution to pay Agents for selecting Swamp Lands.

On motion of Mr. Galbraith, the Committee on Mileage were requested to take into consideration the per diem of members.

The Committee on Internal Improvements made the following Report:

The Committee on Internal Improvements have had under consideration, a bill to be entitled An act to incorporate the Tallahassee and Quincy Plank Road Company; also a bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company, and I am instructed to report

them back to the House, without amendment, and recommend that they do pass.

JNO. PARSONS.

Which was received, and the accompanying bill placed among the Orders of the Day.

The Committee on Internal Improvements made the following Report :

The Committee on Internal Improvements have had under consideration, a bill to be entitled An act for the improvement of certain rivers, and for other purposes, and I am instructed to report it back to the House without amendment.

JNO. PARSONS.

Which was received, and the accompanying Bill placed among the Orders of the Day.

The following message from the Senate was read :

SENATE CHAMBER, }
January 9, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following Bills and Resolutions, viz :

A bill to be entitled An act amendatory of an act entitled an act amendatory of the several acts now in force in this State, in relation to trading with negroes ;

A bill to be entitled An act to authorize Samuel B. Thompson to establish a Ferry across the South fork of Black Creek ;

House bill to be entitled An act to provide for the re-establishment of the Records of St. Lucie County ;

House bill to be entitled An act to change the name of Charles Irwin Vincan, and for other purposes ;

House bill to be entitled An act relative to Depositions taken under Commission ;

House bill to be entitled An act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River ;

House bill to be entitled An act to authorize Absalom W. Smith to establish a Ferry across the Suwannee River ;

House bill to be entitled An act amendatory of the act to provide for the payment of Coroner's Juries, approved 24th January, 1851 ;

House bill to be entitled An act to repeal an act entitled an act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853 ;

House bill to be entitled An act to legitimize and change the names of certain persons therein named.

House bill to be entitled An act authorizing the Governor to borrow money to redeem the outstanding State Scrip issued under the act of the 7th January, 1853, has been lost in the Senate.

House bill to be entitled An act to amend an act entitled an act

to raise a Revenue for the State of Florida, and defining the duties of the Collectors and Assessors thereof, approved July 24th, 1845, has likewise been lost in the Senate.

House bill to be entitled An act to cede certain property to the City of Key West, has been indefinitely postponed by the Senate;

House bill to be entitled An act to prevent white females and males from living in an open state of adultery, or adultery and fornication within the State of Florida, with negroes and other persons of color, has likewise been indefinitely postponed by the Senate;

A resolution in relation to the introduction of bills; and

House resolution fixing a day of adjournment and for other purposes with enclosed amendments.

In which amendments the concurrence of the House of Representatives is respectfully requested.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of Senate.

Ordered that the House bills which had passed the Senate without amendment be enrolled, and that the Senate bills and amended House resolution be placed among the Orders of the Day.

ORDERS OF THE DAY.

An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola, returned by His Excellency the Governor with his objections;

Was taken up for consideration.

Upon the question of the passage of the bill over the veto of the Governor, the vote was:

Yeas—Messrs. Dell, Dismukes, Haynes, Langford and Riviere—5.

Nays—Messrs. Brown, Chaires, Coombs, Galbraith, Hollaman, Johnston, Jones of Nassau, Parsons, Penn, Prescott, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant, and Whitehurst—16.

So the bill was lost.

A bill to be entitled An act to create a fifth Judicial Circuit in this State;

Was read the second time.

On motion of Mr. Pope, said bill was amended by striking out the 3d and 8th Sections, and by striking out "October" in the 5th and 9th Sections, and inserting "March" in lieu thereof.

Mr. Dell offered the following additional Section to said bill:

Section 17. *Be it further enacted*, That any three of said Judges of the Circuit Court may constitute the Supreme Court: *Provided, however*, That no Judge shall sit on a case where he has decided the same in the lower Court;

Which was adopted.

Mr. Thompson moved to strike out all of said bill after the 13th Section.

Mr. Galbraith moved a call of the House, which was ordered.

Upon calling the roll, the following members were present, viz :

Messrs. Brown, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa, VanZant and Whitehurst.

The Serjeant-at-Arms was instructed to cause the appearance of the absent members.

On motion of Mr. Shine, further proceedings under the call were dispensed with.

Upon the question of striking out all after the 13th Section, the yeas and nays were called for, and were as follows :

Yeas—Mr. Speaker, Messrs. Coombs, Dell, Galbraith, Penn and Thompson of Levy—6.

Nays—Messrs. Brown, Chaires, Christie, Dismukes, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—19.

So the House refused to strike out all after the 13th Section.

On motion the rules were waived, and said bill was read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Chaires, Dismukes, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—19.

Nays—Mr. Speaker, Messrs. Christie, Coombs, Dell, Galbraith, Parsons, Penn and Thompson of Levy—8.

So the bill passed.

On motion, the title of said bill was amended so as to read as follows :

A bill to be entitled An act to create a fifth Judicial Circuit, and to confer the powers and devolve the duties of the Justices of the Supreme Court upon the Circuit Judges.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Whitehurst was permitted to introduce, without previous notice, a bill to be entitled An act to authorize James F. Harley, a minor, to contract and be contracted with ;

Which was read the first time, the rule waived, read a second time by its title, and ordered to be read a third time on to-morrow.

The rule being waived, Mr. Rowley was permitted to introduce, without previous notice, a bill to be entitled An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola ;

Which was read the first time, the rule waived, read the second

and third times by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombe, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Neel, Parsons, Penn, Prescott, Riviere, Rowley, Thompson of Levy, Thompson of Santa Rosa, VanZant and Whitehurst—23.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
January 6, 1855. }

Hon. W. F. RUSSELL,

Speaker of the

House of Representatives :

SIR :—I respectfully present the following nominations for the advice and consent of the General Assembly :

For the County of Volusia :

Auctioneer—Douglas Dummett.

Judge of Probate—H. H. Williams.

Clerk of Circuit Court—Virgil DuPont.

County Commissioners—John D. Sheldon, H. E. Osteen, Robert Chandler, J. C. Houstoun.

Sheriff—John Craig.

Justices of the Peace—Ora Carpenter, John Bethel.

For the County of Monroe :

Auctioneers—Alexander Patterson, G. L. Bowne, George W. Cary, William A. Pitcher, B. H. Kerr.

Commissioners of Pilotage for Key West—Cornelius Curtis, John Curry, sen., Frederick Filer, Felix Senac, A. Patterson.

For the County of Hamilton :

Auctioneer—Solomon Rouse.

For the County of St. Johns :

Auctioneer—Matthew R. Andrew.

For the County of Gadsden :

Auctioneer—Thomas D. Wilson.

For the County of Marion :

Auctioneers—George Helvenston, Allen J. Cassady.

For the County of Walton :

Auctioneer—Daniel G. Gunn.

For the County of Escambia :

Auctioneer—George W. Hutton.

For the County of Hillsborough :

Port Wardens for Tampa—William Cooly, William Ashley, William D. Freeman.

Auctioneers—James D. Green, William L. Campbell.

For the County of Columbia :

Auctioneer—William O. Jeffries.

For the County of Wakulla :

Auctioneer—A. B. Noyes.

Very Respectfully,

JAMES E. BROOME.

Which was read, and the nominations therein contained, advised and consented to.

The following message was received from his Excellency, the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, January 6, 1854. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :— I have approved and signed the following Acts and Resolutions :

An act to provide for the relinquishment to the United States, in certain cases, title to and jurisdiction over lands for sites of Light Houses, and for other purposes, on the coast and waters of this State ;

An act to amend the act to incorporate the City of St. Augustine ;

An act to provide for and encourage a liberal system of Internal Improvements in this State ;

An act to change the name and establish the county site of St. Lucie County ;

An act to provide for the appointment of Inspectors of Tar and Turpentine in this State ;

An act to admit Anderson J. Peeler to practice law in the several Courts of this State ;

Preamble and Resolutions asking Congress to grant to the County of Hillsborough the Military Reserve, embracing Fort Brooke, for Rail Road purposes.

Respectfully,

JAMES E. BROOME.

Which was read.

On motion of Mr. Whitehurst, Mr. Thompson of Santa Rosa was excused from further attendance after Thursday next.

On motion of Mr. Dell, Mr. Rowley was excused from further attendance after to-morrow.

A bill to be entitled an act to amend an act entitled an act to provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes ;

Was read the second time.

Mr. Harris moved that the rule be waived, and said bill be read a third time and put upon its passage;

Which was not agreed to.

Said bill was then ordered to be read a third time on to-morrow.

Senate bill to be entitled an act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola;

Was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Penn, Prescott, Riviere, Rowley, Thompson of Santa Rosa, VanZant and Whitehurst—23.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Rowley was permitted to introduce, without previous notice, a bill to be entitled an act to authorize Hiram Benner, Daniel Davis and John H. Geiger to construct a Wharf in the City of Key West;

Which was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Christie, Dell, Dismukes, Haddock, Harris, Hollaman, Langford, Neel, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—20.

Nays—Messrs. Haynes, Johnston and Thompson of Levy—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Thompson of Santa Rosa was permitted to introduce with previous notice a bill to be entitled An act to amend the Act in relation to the powers and duties of the Clerks of the Circuit Courts of this State;

Which was read the first time, the rule waived, read a second time by its title, and laid on the table.

Senate bill to be entitled An act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola;

Was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Baisden, Brown, Chaires, Christie, Dell, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Penn, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa, VanZant and Whitehurst—22.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to extend the limitation of Merchants' Accounts in this State;

Was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Chaires, Christie, Coombs, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Neel, Pope, Prescott, Riviere, Rowley, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—18.

Nays—Mr. Speaker, Messrs. Baisden, Brown, Langford and Vanzant—5.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to amend the general act for the incorporation of Towns, Academies, and Religious Societies, approved January 6, 1847 ;

Was read the first time, the rule waived, read a second time by its title and referred to the Committee on Corporations.

On motion, the resolution fixing a day of adjournment, and for other purposes, with the Senate amendments thereto, was taken up for consideration.

The House refused to concur in said amendments.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act granting aid to the County of Putnam to build a Court House and Jail ;

Was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Chaires, Christie, Coombs, Dismukes, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Neel, Parsons, Pope, Prescott, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—18.

Nays—Messrs. Johnston, Langford, and Thompson of Levy—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act concerning Interest ;

Was read the first time, and the rule being waived read the second time by its title.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Dell in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman reported the bill back to the House with all after the enacting clause stricken out.

Which report was received and concurred in.

On motion, said bill was indefinitely postponed.

Senate bill to be entitled an act for the relief of Doctor William S. Wilson and others;

Was read the first time and, the rule being waived, read the second time.

Mr. Pope moved to strike out "twenty-five" in the 16th line and insert "fifty;"

Which was not agreed to.

On motion of Mr. Rowley, the word "fifty" in the 10th line, was stricken out, and the word "twenty-five" inserted in lieu thereof.

The bill was then ordered to be read a third time on to-morrow.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, January 9, 1855. }

HON. WILLIAM F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I respectfully nominate Samuel W. Burnett as Auctioneer in and for the County of Alachua.

JAMES E. BROOME.

Which was read, and the nomination therein contained, advised and consented to.

On motion,

The House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M

The House resumed its session.

The roll being called, the following members answered to their names, viz:

Mr. Speaker, Messrs. Brown, Chaires, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Prescott, Riviere, Shine and Whitehurst—20.

There not being a quorum present, the Sergeant-at-Arms was instructed to cause the appearance of the absentees.

The Speaker announced that a quorum was present.

A bill to be entitled An act providing the manner of carrying up Appeals from the Justice's Courts, and for other purposes;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Parsons, Penn and Pope—16.

Nays—Messrs. Langford, Neel, Prescott, Shine, Thompson of Santa Rosa and Whitehurst—6.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The following bills which had passed the House were transmitted to the Senate, viz :

A bill to be entitled an act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola ; .

A bill to be entitled an act to authorize Hiram Benner, Daniel Davis, and John H. Geiger to construct a Wharf in the City of Key West ;

Senate bill to be entitled an act to authorize Celestino Gonzalez to establish a Wharf in the City of Pensacola ;

Senate bill to be entitled an act to authorize Gregory Yneistra and F. B. Bobe to establish a Wharf in the City of Pensacola ;

Senate bill to be entitled an act granting aid to the County of Putnam to build a Court House and Jail ; and

Senate bill to be entitled an act to extend the limitation of Merchants' Accounts in this State.

A bill to be entitled An act to extend the time for the enjoyment of chartered privileges of the Columbus Bridge Company ;

Was read the second time, the rule waived, read the third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—27.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Rowley was permitted to introduce without previous notice, a bill to be entitled An act to amend An act to provide for the election of a County Site in Walton County, and for other purposes ;

Which was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombs, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—25.

Nays—None.

So the bill passed, title as stated.

On motion of Mr. Shine, the vote upon the passage of said bill was reconsidered.

Said bill being again put upon its passage, the vote was :

Yeas—Mr. Speaker, Messrs. Chaires, Coombs, Dell, Harris,

Haynes, Parsons, Penn, Pope, Prescott, Rowley and Thompson of Levy—12.

Nays—Messrs. Brown, Dismukes, Dummett, Galbraith, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Thompson of Santa Rosa and Whitehurst—14.

So the bill was lost.

A bill to be entitled An act to organize the County of Taylor;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled An act to organize the County of Liberty;

Was read the second time, the rule waived, read a third time by its title and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Brown, Coombs, Chaires, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—26.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Mr. Dummett moved that the House reconsider the vote rejecting a bill to be entitled An act to amend An act to provide for the election of a County Site in Walton County, and for other purposes;

Which was not agreed to.

A bill to be entitled An act to alter and change the laws now of force in this State in reference to the limitation of actions;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Penn, Pope, Prescott, Rowley and Whitehurst—19.

Nays—Messrs. Langford, Neel, Riviere, Shine and Thompson of Santa Rosa—5.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act in relation to the sale of Spirituous Liquors;

Was read the second time.

Mr. Dummett moved that the bill be indefinitely postponed, upon which motion the yeas and nays were called for, and were as follows:

Yeas—Messrs. Brown, Chaires, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Haynes, Hollaman, Johnston, Langford, Neel, Penn, Riviere, Rowley, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—20.

Nays—Mr. Speaker, Messrs. Harris, Jones of Nassau, Parsons, Pope and Prescott—6.

So the bill was indefinitely postponed.

The following message from the Senate was read :

SENATE CHAMBER,
January 9, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has receded from its amendment to House resolution relative to copying the laws of the present session.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the resolution be enrolled.

The following message from the Senate was read :

SENATE CHAMBER,
January 9 1855. }

Hon. Speaker of the House of Representatives :

SIR :—The Senate has passed the following bills, viz :

A bill to be entitled An act for the benefit of James Gough ;

House bill to be entitled An act for the taking of the Census of 1855 in this State ;

House bill to be entitled An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

House bill to be entitled An act to amend the attachment laws now in force in this State, was lost in the Senate.

House bill to be entitled An act to adopt an equal and uniform mode of Taxation in this State, was indefinitely postponed by the Senate ;

House bill to be entitled An act defining the duties of Witnesses, with enclosed amendment.

In which amendment the concurrence of the House of Representatives is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the House bills which had passed the Senate without amendment be enrolled, and that the Senate bill and amended House bill be placed among the Orders of the Day.

The following message from the Senate was read :

SENATE CHAMBER,
January 9th, 1855. }

Hon. of Speaker the House of Representatives :

SIR :—The Senate has receded from its amendments to House Resolution fixing a day of adjournment, and for other purposes.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

A bill to be entitled An act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain lands ;

Was read the second time and ordered to be read a third time on to-morrow.

A bill to be entitled An act to repeal all acts in relation to the sale of Spirituous Liquors ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Parsons, Pope, Prescott and Thompson of Levy—5.

Nays—Mr. Speaker, Messrs. Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Langford, Neel, Penn, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—18.

So the bill was lost.

The rule being waived, Mr. Harris offered the following resolution :

Resolved, That the House hold evening sessions until the Orders of the Day are gone through with ;

Which was adopted.

Resolution to instruct the Attorney General to sue for certain lands in Key West ;

Was read the second time, the rule waived, read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Dell, Haddock, Jones of Nassau, Penn, Prescott, Rowley and Thompson of Santa Rosa—8.

Nays—Messrs. Christie, Coombs, Dummett, Harris, Haynes, Hollaman, Johnston, Langford, Neel, Parsons, Pope, Shine and Thompson of Levy—13.

So the resolution was lost.

A bill to be entitled An act to authorize W. C. Dennis to build a wharf in the city of Key West ;

Was read the second time.

Mr. Dummett moved that the bill be indefinitely postponed ;

Which was not agreed to.

The bill was then ordered to be read a third time on to-morrow.

Mr. Pope offered the following resolution :

Resolved, That the House meet at five o'clock, A. M., until the close of the session.

Upon the adoption of the resolution, the yeas and nays were called for, and were as follows :

Yeas—Mr. Speaker, Messrs. Brown, Christie, Coombs, Dismukes, Dummett, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Rowley, Shine and Thompson of Santa Rosa—18.

Nays—Messrs. Johnston, Neel, Prescott and Thompson of Levy

—4.

So the Resolution was adopted.

Mr. Parsons moved a reconsideration of the votes upon the resolution requiring evening Sessions, and upon the resolution fixing the hour of meeting at 5 o'clock, A. M.;

Which motion was not agreed to.

Mr. Dummett moved that the House take a recess until 12 o'clock to-night;

Which was not agreed to.

Mr. Dummett moved that the House take a recess until 10, o'clock, P. M.;

Which was not agreed to.

Mr. Dummett moved that the the House take a recess until 15 minutes past 10 o'clock.

Which was not agreed to.

Mr. Dummett moved that the House take a recess until 20 minutes past 10 o'clock;

Which was not agreed to.

On motion of Mr. Pope, the House reconsidered the vote adopting the resolution requiring evening sessions.

On motion of Mr. Pope, the House adjourned until to-morrow, 5 o'clock, A. M.

WEDNESDAY, January 10, 1855.

The House met pursuant to adjournment.

The Speaker being absent, on motion, Mr. Brown took the Chair.

The roll being called, the following members answered to their names, viz :

Messrs. Brown, Coombs, Dismukes, and Jones of Nassau.

A quorum not being present, on motion, the Sergeant-at-Arms was instructed to cause the appearance of the absent members.

The Sergeant-at-Arms refused to obey the instructions of the House.

The roll being again called, the following members answered to their names, viz :

Messrs. Brown, Coombs, Dell, Dismukes, Haynes and Jones of Nassau.

The roll being again called, the following members answered to their names, viz :

Messrs. Brown, Coombs, Dell, Dismukes, Haynes, Jones of Nassau, Langford, Neel and Pope.

Mr. Coombs moved that the House adjourn until to-morrow, 5 o'clock, A. M.;

Which motion was not agreed to.

The Sergeant-at-Arms was instructed to bring in the absent members.

The roll being again called, the following members answered to their names, viz :

Mr. Speaker, Messrs. Brown, Coombs, Dell, Dismukes, Haynes, Jones of Nassau, Langford, Neel and Pope.

Mr. Coombs moved that the House adjourn until to-morrow, 5 o'clock, A. M. ;

Which was not agreed to.

Mr. Brown moved that the House take a recess until 9 o'clock, A. M. ;

Which was not agreed to.

On motion, the Sergeant-at-Arms was instructed to arrest the absent members and bring them into the House.

Mr. Brown moved that the House take a recess until 9 o'clock, A. M.

Which was not agreed to.

The roll being called, the following members answered to their names, viz :

Mr. Speaker, Messrs. Brown, Coombs, Dell, Dismukes, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Pope and Rowley.

On motion of Mr. Pope, the absent members were fined the sum of five dollars each.

Mr. Thompson of Santa Rosa having made his appearance and rendered his excuse, Mr. Rowley moved that Mr. Thompson of Santa Rosa be excused for non-attendance ;

Which motion was not agreed to.

Mr. Johnston having made his appearance, Mr. Hollaman moved that Mr. Johnston be excused from the fine for non-attendance ;

Which was not agreed to.

On motion of Mr. Dell, the House took a recess until 9 o'clock.

9 O'CLOCK, A. M.

The House met pursuant to recess.

The Speaker being absent on motion, Mr. Shine took the Chair.

The roll being called, the following members answered to their names, viz :

Messrs. Haddock, Haynes, Johnston, Prescott and Shine.

The Sergeant-at-Arms was sent for the absent members.

On motion of Mr. Haddock, the absent members were fined the sum of five dollars each.

The roll being called, the following members answered to their names, viz :

Messrs. Christie, Dell, Galbraith, Haddock, Haynes, Johnston,

Jones of Nassau, Neel, Pope, Prescott, Rowley, Shine and Thompson of Levy.

The doors were closed and the Sergeant-at-Arms instructed to cause the appearance of the absent members.

The speaker announced that a quorum was present.

The reading of the Journal of yesterday was dispensed with.

An invitation being received from the Grand Lodge of Masons to attend the funeral of General John P. Duval, to-day,

On motion of Mr. Shine, ordered that the House take a recess at half past ten o'clock, A. M., to meet again at 3 o'clock, P. M., for the purpose of attending said funeral.

The Committee on Corporations made the following Report :

The Committee on Incorporations, to whom was referred a bill to be entitled An act to amend the general act for the Incorporation of Towns, Academies and Religious Societies, approved January 6th, 1847, respectfully

REPORT :

That we have had the same under consideration, and your Committee are of opinion that all persons enjoying special privileges under acts of Incorporation, should assist in defraying the necessary expenses of the same and inasmuch as said bill proposes to exonerate from taxation all persons who may not be the owner of real, personal, or mixed property, your Committee offer the following section as an amendment.

All of which is respectfully submitted.

DAVID W. HOLLAMAN,

Chairman.

Which was received and the accompanying bill placed among the Orders of the Day.

The following Message from the Senate was read :

SENATE CHAMBER, }
January 10, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has refused to concur in House amendment to a bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company.

The Senate has passed the following bills and resolution, viz :

A bill to be entitled An act to prevent any deduction on Cotton Bales;

A bill to be entitled An act to incorporate the Tallahassee and Georgia Railroad Company ;

House bill to be entitled An act for the regulation of the Pilotage of the Bay and Harbor of Pensacola, with enclosed amendment;

In which amendment the concurrence of the House of Representatives is respectfully requested.

The Senate has indefinitely postponed the following bills, viz :

House bill to be entitled An act to establish a regular rate of Commission for all persons acting as Agents for masters of ships or vessels at the Port of Key West ; and

House bill to be entitled An act to authorize Hiram Benner, Daniel Davis and John H. Geiger to construct a wharf at the city of Key West.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the Senate bills be placed among the Orders of the Day.

On motion of Mr. Haynes, a Committee was appointed consisting Messrs Haynes, Johnston and Dell, to confer with a similar Committee on the part of the Senate, in reference to the disagreement upon Senate bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company.

Ordered that the same be certified to the Senate.

On motion, the House concurred in Senate amendment to a bill to be entitled An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola.

Ordered that the same be certified to the Senate, and that said bill be enrolled.

ORDERS OF THE DAY.

A bill to be entitled An act to amend the Act amendatory of the Act to organize the Supreme Court of the State ;

Was read the second time and laid on the table.

A resolution authorizing the Comptroller to audit certain accounts therein named ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Carter, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Pope, Prescott, Riviere, Rowley, Thompson of Levy and Whitehurst—22.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River ;

Was read the second time, and ordered to be read a third time on to-morrow.

The following bills which had passed the House were transmitted to the Senate, viz :

A bill to be entitled An act to alter and change the laws now in force in this State in reference to the limitation of actions ;

A bill to be entitled An act providing the manner of carrying up appeals from the Justice's Courts, and for other purposes ;

A bill to be entitled An act to extend the time for the enjoyment of chartered privileges by the Columbus Bridge Company ;

A bill to be entitled An act to organize the County of Liberty ;

A bill to be entitled An act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia ; and

Senate bill to be entitled An act to create a fifth Judicial Circuit in this State.

A bill to be entitled An act regulating the sale of State Lands ;

Was read the second time.

On motion the substitute recommended to said bill by the Committee on State Lands, to be entitled An act regulating the sale of State Lands, and for other purposes, was adopted in lieu of the original bill.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Thomdson of Levy in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported the bill back to the House with amendments, and asked to be discharged :

Which report was received, and the amendments concurred in.

On motion, the rule was waived, and said bill was read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Dell, Galbraith, Harris, Haynes, Parsons, Penn, Pope, Prescott and Thompson of Levy—14.

Nays—Messrs. Dismukes, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Riviere, Shine, Thompson of Santa Rosa, and Whitehurst—11.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, the Committee on Mileage made the following report :

The Select Committee, to whom was referred the subject of mileage, have had the same under consideration, and ask leave to report the annexed list to the House for their consideration. They have consulted all the members present and find the number of miles opposite their names to be the whole number of miles traveled by such Representative.

Which is respectfully submitted,

PHILIP DELL, Chairman.

Which was received and the accompanying list referred to the Finance Committee.

On motion,

The House took a recess until 3 o'clock, P. M.

38 H

3 O'CLOCK, P. M.

The House resumed its session—a quorum present.

A bill to be entitled An act to regulate and establish the fees of the Secretary of State;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Parsons, Pope, Prescott, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—19.

Nays—Messrs. Brown, Langford and Riviere—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have examined the following Bills and report the same as correctly Enrolled:

A bill to be entitled An act to provide for the payment of Coroner's Juries, approved January 24, 1851;

A bill to be entitled An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries;

Resolution fixing a day of adjournment, and for other purposes;

A bill to be entitled An act to repeal An act entitled An act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853;

A bill to be entitled An act to authorize Absalom W. Smith to establish a Ferry across the Suwannee River;

A bill to be entitled An act to legitimize and change the names of certain persons therein named;

A bill to be entitled An act to change the name of Charles Irvin Vincan, and for other purposes;

Resolution relative to copying the Laws of the present session.

Respectfully submitted,

W. M. C. NEEL,
Chairman.

The following message from the Senate was read:

SENATE CHAMBER, }
January 10, 1855. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has receded from its amendment to House bill to be entitled An act to amend an act to grant pre-emption rights to settlers on State Lands, approved December 31st, 1852.

The Senate has passed the following bills and resolutions, viz:

A bill to be entitled An act to incorporate a Bank in the City of Tallahassee;

A bill to be entitled An act for the relief of Cherry, a free woman of color;

House bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State and for other purposes;

House bill to be entitled An act for the preservation of Bridges;

House bill to be entitled An act incorporating the Florida and Macon Railway Company;

House bill to be entitled An act to prevent persons encamping from leaving fire at their camps, has been indefinitely postponed by the Senate.

House bill to be entitled An act to locate the Seminary of Learning to be established West of the Suwannee River in this State, was lost in the Senate.

Resolution in relation to payment of accounts of Henry J. Stewart, and J. J. Duncan; and

House Resolution to pay agents for selecting Swamp Lands.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the House bills which had passed the Senate be enrolled, and that the Senate bills be placed among the Orders of the Day.

On motion of Mr. Hollaman, the bill to be entitled An act to provide for the location of the State Seminary West of the Suwannee River, was taken from the table;

Said bill was read the second time, and laid on the table.

The following Message was received from His Excellency, the Governor:

EXECUTIVE CHAMBER, {
January 10, 1855. }

HON. W. F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I have approved and signed the following Bills and Resolution:

An act to organize the County of Manatee;

An act to authorize Elijah Johnson & Co. to establish a ferry across the Chatahoochee River;

An act to authorize Benjamin Marshall to charge Wharfage in the Town of Milton;

An act to amend an act, approved November 21, 1828, providing for the appointment of Inspectors of Lumber in the various counties, of this State;

Resolution in relation to a mail route.

Respectfully,

JAMES E. BROOME.

The following Message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
January 10, 1855. }

Hon W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I respectfully submit the following nominations for the advice and consent of the General Assembly :

For Adjutant and Inspector General, Caraway Smith ; For Paymaster General, Edward Houstoun.

JAMES E. BROOME.

Which was read and the nominations therein contained were advised and consented to.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
TALLAHASSEE, January 9, 1855. }

Hon. WM. F. RUSSELL,

Speaker of the House of Representatives ;

SIR :—I respectfully return, without my approval, an Act entitled "An Act for the relief of purchasers of Swamp and Internal Improvement Lands from the United States."

The Bill requires the Register of Public Lands to make the State's title to such Internal Improvement or Swamp Land as may have been or may hereafter be purchased by individuals from the United States, on such individual's relinquishing his or her claim against the United States for the purchase money, &c.

The Bill for the encouragement of a liberal system of Internal Improvements, &c., approved on the 6th instant, enumerates in its first Section the Internal Improvement Land remaining unsold, together with the proceeds of sales remaining on hand, or hereafter to accrue; also, the Swamp and Overflowed Land, with the proceeds that have or may hereafter accrue, and makes them a distinct and separate fund, for certain specified purposes.

The second Section of that Bill provides "That for the purpose of assuring a proper application of said fund, for the purposes herein declared, said lands, and all the funds arising from the sale thereof, after paying the necessary expenses of selection, management and sale, are hereby irrevocably vested in five Trustees, to-wit: In the Governor of this State, the Comptroller of Public Accounts, the State Treasurer, the Attorney General, and the Register of State Lands, and their successors in office, to hold the same in trust, for the uses and purposes hereinafter provided, with the power to sell and transfer said lands to the purchasers, and receive payment for the same," &c.

These Sections seem to have been specially designed to vest this whole Fund irrevocably in Trustees, for certain purposes specified in the deed of trust, and certainly commits to them the power to sell

and transfer. The Act under consideration seeks to withdraw this power from them, in a certain class of cases, and confer it upon the State Register. If the power now exists in the General Assembly to withdraw any portion of the Fund, it exists to withdraw the whole, and may be used to defeat the objects of the trust. Such is not, I am sure, the design of the present General Assembly, but any action on their part, seeming to assert such a reservation, may lead to embarrassment hereafter.

But supposing the power to withdraw or control the Fund reserved—then the Act would be objectionable on the ground of its expediency. The sales of Swamp and overflowed lands made by the United States, since the date of the Act ceding them to the State, is believed to be little (if any) less than one hundred and fifty thousand acres. To perfect the title to the numerous purchasers of these lands, in the manner provided in the bill, would involve great labor and expense; whereas, the parties now hold the Government title, and a simple transfer of title from the State to the Government, would make each of these individual titles perfect. This could be done by the Board with very little trouble, and without the delay which would necessarily attend the proceedings under this Act.

For these reasons the Act is returned, and its re-consideration respectfully requested.

JAMES E. BROOME.

Which was read and the consideration of the bill returned, was postponed until to-morrow.

Mr. Galbraith moved that the House reconsider the vote rejecting a bill to be entitled An act to amend an act to provide for the election of a County Site in Walton County, and for other purposes;

Which motion was not agreed to.

A bill to be entitled An act to incorporate the Lagoon and Perdidó Canal Company;

Was read the second time.

The amendments recommended by the Committee to whom said bill was referred, were adopted.

The bill was then postponed until the fourth Monday in November next.

A bill to be entitled An act to authorize Samuel B. Thompson to establish a Ferry across the South fork of Black Creek;

Was read the first time and the rule being waived, read a second time by its title.

On motion of Mr. Prescott, said bill was amended by inserting the words "Toll Bridge or" before the word "Ferry," wherever it occurs in said bill.

The bill was then ordered to be read a third time on to-morrow.

On motion of Mr. Galbraith, Mr. Brown was excused from further attendance after to-morrow.

A bill to be entitled An act regulating Quarantine for the Port of St. Marks:

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Coombs, Dismukes, Dummett, Galbraith, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Penn, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa, and Whitehurst—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled An act to change the times of holding the Circuit Courts in the Eastern Circuit of Florida ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—23.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Resolution asking Congress to establish certain Mail Routes in Alachua County ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Riviere, Rowley, Shine, Thompson of Santa Rosa and Whitehurst—21.

Nays—None.

So the Resolution was adopted.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to repeal an act entitled an act to provide for the removal of the Indians, now remaining in Florida, beyond the limits of the State, approved January 20, 1851 ;

Was read the second time.

Mr. Dell moved that the bill be laid upon the table ;

Upon which motion the yeas and nays were called, and were as follows :

Yeas—Messrs. Brown, Dell, Dummett, Galbraith, Johnston, Penn, Pope, Prescott and Rowley—9.

Nays—Mr. Speaker, Messrs. Carter, Harris, Hollaman, Jones of Nassau, Langford, Parsons, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—12.

So the House refused to lay the bill on the table.

Mr. Russell moved that the bill be indefinitely postponed ;

Upon which the yeas nays were called for, and were as follows

Yeas—Mr. Speaker, Messrs. Christie, Dell, Dismukes, Dummett, Galbraith, Hollaman, Penn, Pope and Prescott—10.

Nays—Messrs. Brown, Carter, Harris, Johnston, Jones of Nassau, Langford, Parsons, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—12.

So the House refused to postpone said bill indefinitely.

The bill was then ordered to be read a third time on to-morrow.

On motion of Mr. Dummett, the House reconsidered the resolution fixing the hour of meeting at 5 o'clock, A. M.

The rule being waived, the Committee on Finance made the following report:

The Committee of Finance to whom was referred a bill making appropriations for the fiscal year 1855,

REPORT:

That they recommend a substitute for the original bill.

JNO. PARSONS,

Chairman.

Which was read, and the accompanying bill and substitute placed first among the Orders of the Day.

Mr. Dell moved that the House take a recess until half past 6 o'clock.

Mr. Dummett moved that the House adjourn until to-morrow, 10 o'clock, A. M.;

Which was not agreed to.

On motion of Mr. Pope, the House adjourned until to-morrow, 9 o'clock, A. M.

THURSDAY, January 11, 1855.

The House met pursuant to adjournment.

The roll being called, the following members answered to their names, viz:

Mr. Speaker, Messrs. Brown, Carter, Chaires, Coombs, Dell, Dismukes, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Prescott and Riviere—17.

A quorum not being present, the Sergeant-at-Arms was sent after the absent members.

The roll being called, the following members answered to their names, viz:

Messrs. Bellamy, Brown, Carter, Chaires, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Pope, Prescott, Riviere, Shine, Thompson of Levy and Thompson of Santa Rosa—20.

A quorum was not present.

The Speaker announced that a quorum was present.

The Rev. Mr. Tydings officiated as Chaplain.

On motion, the reading of the Journal of yesterday was dispensed with.

The Committee on Enrolled Bills made the following report:

The Committee on Enrolled Bills have examined the following bill and find it correctly Enrolled:

A bill to be entitled An act incorporating the Florida and Macon Railway Company.

Respectfully submitted,

W. M. C. NEEL,

Chairman.

The following Bills and Resolutions which had passed the House, were transmitted to the Senate, viz:

A bill to be entitled An act to change the times of holding the Circuit Courts in the Eastern Circuit of Florida;

A bill to be entitled An act regulating the sale of State Lands, and for other purposes;

A bill to be entitled An act to regulate and establish the fees of the Secretary of State;

A bill to be entitled An act regulating Quarantine for the Port of St. Marks;

Resolution asking Congress to establish certain Mail Routes in Alachua County; and

Resolution authorizing the Comptroller to audit certain Accounts therein named.

ORDERS OF THE DAY.

A bill to be entitled an act making appropriations for the fiscal year 1855;

Was read the second time, and the substitute recommended by the Finance Committee, was adopted.

On motion, the House resolved itself into a Committee of the Whole for the consideration of said bill, Mr. Pope in the Chair.

After some time spent in consideration thereof, the Committee rose, and by its Chairman, reported the bill back to the House with amendments.

On motion, the report was received and the amendments concurred in.

Mr. Dell moved that the amendment adopted in the Committee of the Whole allowing one day's compensation for each thirty miles travel, be stricken out.

Upon which motion, the yeas and nays were called for and were as follows:

Yeas—Messrs. Carter, Chaires, Christle, Coombs, Dell, Dismukes, Dummett, Galbraith, Harris and Haynes—10.

Nays—Mr. Speaker, Messrs. Brown, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Shine, Thompson of Levy and Thompson of Santa Rosa—16.

So the House refused to strike out said amendment.

Mr. Carter moved that the amendment be amended so as to take effect at the beginning of the Eighth Session of the General Assembly ;

Which was not agreed to.

The bill was then referred to a Select Committee, consisting of Messrs. Pope, Jones of Nassau, Penn, Haynes and Prescott.

A Committee from the Senate requested the return to that body of a bill to be entitled an act to prevent persons encamping from leaving fire at their camps.

A Committee was appointed, consisting of Messrs. Shine, Langford and Thompson of Levy, to return said bill to the Senate.

The rule being waived, the following report was received and read :

The Select Committee to whom was referred " a bill to be entitled An act for the relief of J. P. K. Savage and Haley T. Blocker," have considered the same, and beg leave to

REPORT :

That they have prepared a substitute for said bill, which they respectfully submit to the House.

B. C. POPE,
J. B. GALBRAITH,
R. A. SHINE.

The substitute recommended by said Committee was adopted in lieu of the original bill, and said bill was read a third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Brown, Dell, Dummett, Galbraith, Haynes, Langford, Parsons, Penn, Pope, Prescott, Shine, Thompson of Levy and Thompson of Santa Rosa—13.

Nays—Messrs. Carter, Christie, Dismukes, Haddock, Harris, Hollaman, Johnston, Jones of Nassau and Riviere—9.

So the bill passed.

On motion the title of said bill was amended by adding the words, " and for other purposes."

Ordered that the passage of said bill be certified to the Senate.

The Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined the following bills and find the same correctly Enrolled :

A bill to be entitled An act for the preservation of Bridges ;

A bill to be entitled An act relative to depositions taken under Commission ;

A bill to be entitled An act to provide for the re-establishment of the Records of St. Lucie County ;

Resolution to pay Agent's for selecting Swamp Lands.

Respectfully submitted,

W. M. C. NEEL,

Chairman.

The message of the Governor returning without approval a bill to be entitled An act for the relief of purchasers of Swamp or Internal Improvement Lands from the United States, was taken up for consideration ;

Upon the question of the passage of said bill over the veto of the Governor, the vote was :

Yeas—None.

Nays—Mr. Speaker, Messrs. Brown, Carter, Christie, Dell, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—22.

So the bill was lost.

Senate bill to be entitled An act for the relief of Doctor William S. Wilson, and others :

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Carter, Chaires, Coombs, Dummett, Galbraith, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—21.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A call of the House being ordered, the following members were present, viz :

Mr. Speaker, Messrs. Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst.

The Sergeant-at-Arms was instructed to cause the appearance of the absent members.

Senate Resolution relative to copying the laws of the present session, came up on its third reading and was indefinitely postponed.

A bill to be entitled An act to amend an act to incorporate the Pensacola and Georgia Railroad Company ;

Was read the second time.

On motion of Mr. Pope, said bill was amended by adding the following proviso at the end of the first section :

Provided, The said extensions may be made if the said Company shall purchase the said Road as contemplated by the act to provide

for and encourage a liberal system of Internal Improvements in this State.

The rule being waived, said bill was read a third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—24.

Nays—Mr. Coombs—1.

On motion leave was granted to the absent members to record their votes as they should come in.

The following message from the Senate was read :

SENATE CHAMBER, }
January 11th, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has concurred in House amendments to a bill to be entitled An act to create a fifth Judicial Circuit.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Senate bill to be entitled An act to incorporate the Tallahassee and Quincy Plank Road Company ;

Was read the second time by its title, the rule waived, read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Coombs, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—23.

Nays—None.

On motion, leave was granted to absent members to record their votes on said bill.

Senate bill to be entitled An act to amend An act entitled An act to incorporate the Jacksonville and Alligator Plank Road Company ;

Was read the second time, the rule waived, read the third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Chaires, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—22.

Nays—None.

On motion, leave was granted to the absent members to record their votes on said bill.

A bill to be entitled An act to incorporate the Florida and Macon

Railway Company, was transmitted for approval to his Excellency the Governor.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session. A quorum present.

The following bills and resolutions, which had passed both Houses, and had been duly enrolled and signed, were transmitted to his Excellency the Governor, viz :

An act amendatory of An act to provide for the payment of Coroner's Juries, approved January 24, 1851 ;

An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

An act to repeal An act entitled An act to change the name of Oliver Price to that of Oliver Delk, and for other purposes, approved January 8, 1853 ;

An act to authorize Absalom W. Smith to establish a Ferry across the Suwannee River ;

An act to legitimize and change the names of certain persons therein named ;

An act to change the name of Charles Irvin Vincan, and for other purposes ;

Resolution relative to copying the Laws of the present session ;

An act relative to Depositions taken under Commission ;

An act for the preservation of Bridges ;

An act to provide for the re-establishment of the Records of St. Lucie County ; and

Resolution to pay Agents for selecting Swamp Lands.

Messrs. Bellamy, Carter and Haynes recorded their votes in favor of the passage of a bill to be entitled An act to amend An act to incorporate the Pensacola and Georgia Railroad Company.

The vote then stood :

Yeas—27.

Nays—1.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Messrs. Bellamy, Carter, Haynes and Parsons recorded their votes in favor of the passage of a bill to be entitled An act to incorporate the Tallahassee and Quincy Plank Road Company.

The vote then stood :

Yeas—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Messrs. Bellamy, Carter, Coombs, Haynes and Parsons recorded

their votes in favor of the passage of a bill to be entitled An act to amend An act to incorporate the Jacksonville and Alligator Plank Road Company.

The vote then stood :

Yeas—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act amendatory of the several Acts now in force in this State in relation to trading with Negroes ;

Was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Penn and Thompson of Santa Rosa—4.

Yeas—Messrs. Brown, Chaires, Christie, Coombs, Diszukes, Dummett, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Pope, Prescott, Riviere, Shine and Whitehurst—20.

So the bill was lost.

Ordered that the same be certified to the Senate.

The rule being waived, the Judiciary Committee made the following report :

The Judiciary Committee to whom was referred a bill to be entitled An act to authorize Samuel D. Howse, of Marion County, to assume the management of his own estate, ask leave to report the bill back to the House, and recommend that it pass.

B. C. POPE,

Chairman.

Which was received, and the accompanying bill read the second and third times and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Neel, Penn, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—18.

Nays—Messrs. Carter, Chaires, Christie, Coombs, Dell, Diszukes, Galbraith, Langford and Parsons—9.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The rule being waived, the Judiciary Committee made the following report :

The same Committee to whom was referred a bill to be entitled An act granting the right of appeal from the judgments and orders of the Board of County Commissioners to the Circuit Court, ask leave to report the bill back to the House, and recommend its passage.

B. C. POPE,

Chairman.

Which was received and the accompanying bill placed among the Orders of the Day.

A bill to be entitled An act to change the time of holding Court in the Southern Judicial Circuit of Florida ;

Was read the second time, the rule waived, read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Brown, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollsman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Riviere, Shine, Thompson of Levy, Thompson of Santa Rosa and Whitehurst—27.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The following message from the Senate was read :

SENATE CHAMBER,
January 11, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate have appointed Messrs. Hopkins, Hawes and Cone, a Committee of conference to act with a similar Committee appointed by the House of Representatives in relation to the House amendment to a bill to be entitled An act granting Land to the Palatka and Micanopy Plank Road Company.

Very Respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Also the following :

SENATE CHAMBER,
January 11, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following Bills and Resolutions, viz :

A bill to be entitled An act to repeal An act entitled An act for the relief of G. W. Philips, approved January 14, 1853 ;

A bill to be entitled An act relative to taking Depositions under Commission ;

A bill to be entitled An act to amend the Militia Laws of this State ;

House bill to be entitled An act regulating Quarantine for the Port of St. Marks ;

House bill to be entitled An act to regulate the fees of Secretary of State.

House bill to be entitled An act to amend the 4th clause of the 3d chapter of the 4th division of the Laws, in relation to Crimes and Misdemeanors, has been lost in the Senate.

House bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws of this State ;

House bill to be entitled An act to prevent persons encamping, from leaving fire at their camps, with enclosed amendments.

House bill to be entitled An act to prevent persons from attempting to entice or steal negroes, has been indefinitely postponed by the Senate.

Resolution in relation to Mail Route from St. Johns to Newnansville ;

House resolution for the relief of L. C. Demilly ; and

House resolution asking that the New Orleans and Key West mail steamers be required to touch at St. Andrew's.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of Senate.

Ordered that the House bills which had passed the Senate without amendment be enrolled, and that the Senate bills be placed among the Orders of the Day.

The House refused to concur in Senate amendments to the Bill to be entitled An Act to prevent persons encamping from leaving fire at their Camps ;

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Pope was permitted to introduce without previous notice a bill to be entitled An act to amend An act amendatory of the several Acts now in force in this State in relation to trading with Negroes ;

Which was read the first time, and ordered to be read a second time on to-morrow.

Senate Resolution in relation to the introduction of bills ;

Was read and laid on the table.

Senate bill to be entitled An act for the benefit of James Gough ;

Was read the first time, the rule waived, read a second time, and indefinitely postponed.

Ordered that the same be certified to the Senate.

A bill to be entitled an act defining the duties of Witnesses in the several Courts of this State, with the Senate amendments thereto ;

Came up in order.

On motion, the House concurred in said amendments.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to authorize James F. Harley, a minor, to contract and be contracted with ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Brown, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Parsons, Penn, Pope, Prescott, Shine, Thompson of Santa Rosa and Whitehurst—18.

Nays—Messrs. Carter, Langford and Riviere—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to amend an act to provide for the establishment of two Seminaries of Learning, approved January 24, 1851, and for other purposes;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Brown, Carter, Christie, Coombs, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Parsons, Pope, Prescott and Thompson of Santa Rosa—16.

Nays—Messrs. Dell, Langford, Riviere, Shine and Whitehurst—5.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

A bill to be entitled an act to organize the County of Taylor;

Was read and postponed until the fourth Monday in November next.

A bill to be entitled an act to organize the County of Haynes;

Was read and postponed until the Tuesday after the fourth Monday in November next.

A bill to be entitled An act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain lands:

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Brown, Carter, Christie, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Neel, Parsons, Pope, Prescott, Thompson of Santa Rosa and Whitehurst—20.

Nays—Messrs. Langford and Riviere—2.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The Committee on Enrolled Bills made the following Report:

The Committee on Enrolled Bills have examined the following Bills and find the same correctly Enrolled:

A Bill to be entitled An Act to provide for the taking of the Census of 1855 in this State.

A Bill to be entitled An Act to amend An Act entitled An Act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852.

A Bill to be entitled An Act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River.

W. M. C. NEEL,
Chairman.

On motion, the House adjourned until to-morrow, 10 o'clock, A. M.

FRIDAY, January 12, 1855.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following bills which had passed both Houses of the General Assembly, and been duly enrolled and signed, were transmitted to his Excellency the Governor, viz:

A bill to be entitled an act to provide for the taking of the Census of 1855, in this State;

A bill to be entitled an act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved December 31, 1852;

A bill to be entitled an act to authorize W. M. C. Neel to establish a ferry across the Chattahoochee River.

The bills which passed the House on yesterday were transmitted to the Senate.

The following Message from the Senate was read:

SENATE CHAMBER,
January 12, 1855. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has ordered to be printed 75 copies of the following bill, viz:

House bill to be entitled an act to organize the County of Liberty.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Mr. Carter gave notice that he would, on to-morrow, ask leave to introduce a bill to be entitled An act to provide for the permanent location of the seat of Government of the State, and for other purposes.

Mr. Galbraith moved that the House reconsider the vote of yesterday, rejecting Senate bill to be entitled an act amendatory of an act entitled an act amendatory of the several acts now in force in this State in relation to trading with negroes;

Which motion prevailed, and a Committee was appointed, consisting of Messrs. Pope, Galbraith and Harris to wait upon the Senate and ask a return of said bill.

A Committee from the Senate returned said bill to the House, and the bill was placed among the Orders of the Day.

Mr. Langford offered the following Resolution:

Resolved by the Senate and House of Representatives of the State of Florida in General Assembly convened, That the Governor be authorized to receive proposals for the Printing of the Laws, Res-

olutions, Reports, &c., of the General Assembly, and the reports of the Supreme Court of this State, and to have the same done on the most reasonable terms.

Upon the question of the adoption of which, the vote was :

Yeas—Mr. Speaker, Messrs. Christie, Dismukes, Haddock, Hollaman, Johnston, Jones of Nassau, Langford, Shine, Taylor and Whitehurst—11.

Nays—Messrs. Carter, Chaires, Coombs, Dell, Dummett, Galbraith, Harris, Haynes, Parsons, Pope, Prescott, Riviere and Thompson of Levy—13.

So the resolution was lost.

Mr. Carter introduced a resolution making appropriations for a tomb in memory of the Hon. W. P. Duval ;

Was read the first time, the rule waived, read a second time, and referred to a select Committee consisting of Messrs. Carter, Pope and Shine.

The following report was received :

The Committee of Conference to whom was referred the Senate amendments to House bill to be entitled An act to prevent the abduction and escape of slaves from this State, having conferred, ask leave to

REPORT :

That they have agreed to retain all the Senate amendments and concur therein, except the second, and in lieu thereof, after the word "Governor," insert " by and with the advice and consent of the General Assembly."

They also recommend the adoption of the two additional sections.

All of which is respectfully submitted,

MILTON HAYNES,

Chairman Com. on part of House.

E. HOPKINS,

Chairman Com. on part of Senate.

On motion, said report was concurred in.

Ordered that the same be certified to the Senate.

The following report was received :

The Joint Committee of Conference on House amendments to Senate bill to be entitled An act granting certain lands to the Palatka and Micanopy Plank Road Company, have had the same under consideration and beg leave to

REPORT :

That they have agreed to retain the 6th section, striking out all after the word "Alligator."

E. HOPKINS,

Chairman of Senate Com.

M. HAYNES,

Chairman of House Com.

On motion, said report was concurred in.

Ordered that the same be certified to the Senate.

The Select Committee to whom was referred a bill to be entitled An act making appropriations for the expenses of the State Government for the fiscal years 1855 and 1856, made the following report :

The Select Committee to who was referred a bill to be entitled An act making appropriations for the expenses of the State Government for the fiscal years 1855 and 1856, ask leave to report the bill back with accompanying amendments.

B. C. POPE,
HARLEY JONES,
D. C. PRESCOTT,
MILTON HAYNES,
JAMES P. PENN.

Which was received and the amendments concurred in.

Mr. Carter moved to amend the bill by inserting " for contingent expenses of the Supreme Court, \$1800 ;"

Upon which the yeas and nays were called for, and were as follows :

Yeas—Mr. Speaker, Messrs. Bellamy, Carter, Chaires, Christie, Coombs, Dell, Galbraith, Harris, Haynes, Hollaman, Jonnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Shine, Taylor, Thompson of Levy and Whitehurst—23.

Nays—None.

So the amendment was adopted.

The rules being waived said bill was read a third time by its title, and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Carter, Chaires, Coombs, Dismukes, Galbraith, Haddock, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Shine, Taylor and Thompson of Levy—20.

Nays—Messrs. Dell, Harris, Johnston and Whitehurst—4.

So the bill passed.

On motion, the title of said bill was amended by striking out " and 1856."

Ordered that the passage of said bill be certified to the Senate.

Said bill was transmitted to the Senate.

ORDERS OF THE DAY.

Senate bill to be entitled An act to amend the Militia Laws of this State ;

Was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Carter, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Hollaman, Parsons, Penn,

Pope, Prescott, Riviere, Shine, Taylor, Thompson of Levy and Whitehurst—20.

Nays—Messrs. Johnston, Jones of Nassau and Langford—3.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER,
TALLAHASSEE, January 11, 1855. }

Hon. WILLIAM F. RUSSELL,

Speaker of the House of Representatives :

SIR :— I have approved and signed the following Acts and Resolution :

An act to provide for the payment of Physicians who are summoned to attend Coroner's Juries ;

An act to authorize Absalom W. Smith to establish a Ferry across the Suwannee River ;

Resolution relative to copying the Laws of the present session.

Respectfully,

JAMES E. BROOME.

The following message from the Senate was read :

SENATE CHAMBER,
January 12, 1855. }

Hon. Speaker of the House of Representatives :

SIR :—The Senate has passed the following bill, viz :

A bill to be entitled An Act for the relief of M. W. Smith.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Ordered that the bill be placed among the Orders of the Day.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined the following bills, and find the same correctly Enrolled :

A bill to be entitled An act to amend An act entitled An act to amend the Patrol Laws in this State ;

Resolution asking that the New Orleans and Key West Mail Steamer be required to touch at St. Andrews ;

A bill to be entitled An act to regulate the fees of the Secretary of State ;

Resolution for the relief of L. C. Demilly ;

A bill to be entitled An act for the regulation of the Pilots and Pilotage at the Bay and Harbor of Pensacola.

Respectfully submitted,

W. M. C. NEEL,
Chairman.

A bill to be entitled an act to authorize W. C. Dennis to build a Wharf in the City of Key West ;

Was read the third time and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Chaires, Dismukes, Haddock, Langford, Neel, Penn, Pope, Prescott, Riviere and Whitehurst—11.

Nays—Mr. Speaker, Messrs. Coombs, Dell, Galbraith, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Parsons, Shine, Taylor and Thompson of Levy—13.

So the bill was lost.

Senate bill to be entitled an act to incorporate the Tallahassee and Georgia Railroad Company ;

Was read the first time and ordered to be read a second time on to-morrow.

Senate bill to be entitled an act to amend the general act for the incorporation of Towns, Academies and Religious Societies, approved January 6, 1847 ;

Was read the second time.

The amendment recommended by the Committee on Corporations was concurred in.

Mr. Galbraith moved to amend the bill by adding the following Section :

SECTION 7. *Be it further enacted*, That any Lodge of Masons or Odd Fellows, or other similar Order or Society, which may comply with the provisions of the General Law of this State for the incorporation of Religious or other Societies, may become incorporated in the same manner as now provided for Religious Societies ;

Which was agreed to.

The rule being waived, said bill was read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Haddock, Harris, Hollaman, Johnston, Langford, Neel, Parsons, Pope, Prescott, Riviere, Shine, Taylor and Thompson of Levy—21.

Nays—None.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to prevent any deduction on Cotton Bales ;

Was read the first time, the rule waived, read the second and third times by its title and put upon its passage, upon which the vote was :

Yeas—Messrs. Bellamy, Christie, Dell, Galbraith, Haddock, Haynes, Johnston, Langford, Neel, Penn, Pope, Prescott, Riviere, Taylor, Thompson of Levy and Whitehurst—16.

Nays—Messrs. Coombs, Dismukes, Harris, Hollaman, Jones of Nassau and Parsons—6.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to incorporate a Bank in the City of Tallahassee ;

Was read the first and second times by its title, and postponed until the 4th Monday in November next.

A committee from the Senate asked the return to that body of a bill to be entitled An act to prevent persons from attempting to entice or steal slaves.

A committee was appointed consisting of Messrs. Pope, Dismukes, and Hollaman to return said bill to the Senate.

Senate bill to be entitled An act for the relief of Cherry, a free woman of color;

Was read the first time, the rule waived, read the second and third times by its title, and put upon its passage, upon which the vote was:

Yeas—Messrs. Bellamy, Chaires, Dismukes, Galbraith, Hollaman, Langford, Neel, Pope, Riviere, Shine, Taylor and Whitehurst—12.

Nays—Messrs. Carter, Christie, Coombs, Dell, Haddock, Harris, Haynes, Johnston, Jones of Nassau, Parsons, Penn, Prescott and Thompson of Levy—13.

So the bill was lost.

Ordered that the same be certified to the Senate.

Senate resolution in relation to the payment of the accounts of Henry J. Stewart and W. J. J. Duncan;

Was read the first time, and ordered for a second reading on to-morrow.

Senate bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River;

Was read the third time, and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Chaires, Christie, Dell, Dismukes, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Parsons, Pope, Prescott, Riviere and Thompson of Levy—17.

Nays—Messrs. Carter, Coombs, Galbraith, Johnston, Penn, Shine, Taylor and Whitehurst—8.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act amendatory of an act entitled an act amendatory of the several acts now in force in this State in relation to trading with negroes;

Was read the third time and put upon its passage, upon which the vote was:

Yeas—Mr. Speaker, Messrs. Bellamy, Carter, Christie, Dell, Galbraith, Haddock, Harris, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Parsons, Penn, Pope, Prescott, Riviere, Taylor, Thompson of Levy and Whitehurst—21.

Nays—None.

So the bill passed, title as stated.

Ordered that the same be certified to the Senate.

Senate bill to be entitled An act to authorize Samuel B. Thompson to establish a Ferry across the South Fork of Black Creek ;

Came up in order.

Mr. Prescott offered a substitute for said bill to be entitled An act to authorize Samuel B. Thompson to establish a Toll Bridge or Ferry across the South Prong of Black Creek ;

Which was adopted.

The bill was then read a third time and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Carter, Christie, Coombs, Dismukes, Galbraith, Haddock, Haynes, Hollaman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Prescott, Shine, Taylor, Thompson of Levy and Whitehurst—21.

Nays—Mr. Harris—1.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Dell, a committee was appointed consisting of Messrs. Dell, Shine and Haynes, to wait upon the Senate and ask the return of a bill to be entitled An act to provide for the expenses of Florida in the settlement of Boundary with the State of Georgia.

On motion, the House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

The House resumed its session. A quorum present.

The following message from the Senate was read :

SENATE CHAMBER,
January 12, 1855. }

Hon. Speaker of the

House of Representatives :

SIR :—The Senate has passed the following bills and resolutions, viz :

House bill to be entitled An act making appropriations for the fiscal year 1855, without amendment ;

House bill to be entitled An act to prevent persons from attempting to entice or steal Negroes, without amendment ;

House bill to be entitled An act to change the time of holding Court in the Southern Judicial Circuit of Florida, without amendment ;

House bill to be entitled An act to authorize James F. Harley to contract and be contracted with, without amendment ;

House bill to be entitled An act providing the mode and manner of carrying up appeals from the Courts of Justices of the Peace, and for other purposes, with enclosed amendments ;

House bill to be entitled An act to change the times of holding

the Circuit Courts in the Eastern Circuit of Florida, with enclosed amendment;

House Resolution authorizing the Comptroller to audit certain accounts therein named; and

House resolution asking Congress to establish certain Mail Routes in Alachua County.

Very Respectfully,

D. G. LIVINGSTON.

Secretary of Senate.

Ordered that the bills which had passed the Senate without amendment be enrolled.

On motion, the House concurred in Senate amendment to House bill to be entitled An act to change the times of holding the Circuit Courts in the Eastern Circuit of Florida.

Ordered that the same be certified to the Senate.

A bill to be entitled An act providing the mode and manner of carrying up Appeals from the Courts of Justices of the Peace, and for other purposes, with the Senate amendments, was placed among the Orders of the Day.

The following message from the Senate was read:

SENATE CHAMBER,

January 12th, 1855. }

Hon. Speaker of the House of Representatives :

SIR:—The Senate has concurred in the report of the Committee of Conferences, to whom was referred the disagreement of both Houses, in relation to the following bills, viz :

A bill to be entitled an act granting certain lands to the Palatka and Micanopy Plank Road Company; and

House bill to be entitled an act to prevent the abduction and escape of slaves from State.

The Senate has concurred in House amendment to a bill to be entitled an act for the relief of William S. Wilson and others.

The Senate has refused to recede from its amendments to House bill to be entitled an act to prevent persons encamping from leaving fire at their camps, and has appointed Messrs. Long, Smith and Gilis a Committee of Conference to act with a similar Committee to be appointed by the House in relation to said amendment.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

The rule being waived, the Judiciary Committee made the following report :

The Judiciary Committee to whom was referred the following bills, to-wit: A bill to be entitled An act to amend An act regulating Common Law Proceedings; A bill to be entitled An act to amend An act now in force in relation to the Partition of Estates, Real and Personal; A bill to be entitled An act to revive certain acts hereto-

fore passed, in reference to the re-establishment of Records destroyed by fire ; Also a bill to be entitled An act in relation to assaults with intent to commit Rape, and for other purposes, have had the same under consideration, and ask leave to report them back without amendment, and recommend their passage.

B. C. POPE,
Chairman.

Which was received, and the accompanying bills placed among the Orders of the Day.

A bill to be entitled An act to repeal An act to provide for the removal of the Indians now remaining in Florida, beyond the limits of this State, approved January 20, 1851 ;

Was read the third time.

Mr. Pope moved that the rules be waived to permit him to move that no further action be taken upon bills originating in the House during the present session ;

Which was not agreed to.

The bill under consideration was then put upon its passeege, upon which the vote was :

Yeas—Messrs. Carter, Johnston, Jones of Nassau, Langford, Riviere, Shine, Thompson of Levy and Whitehurst—8.

Nays—Mr. Speaker, Messrs. Chaires, Christie, Dell, Dismukes, Dummett, Galbraith, Haddock, Harris, Haynes, Penn, Pope, Prescott and Taylor—14.

So the bill was lost.

Mr. Carter moved that the absent members be permitted to record their votes upon the question of the passage of said bill ;

Which was not agreed to.

Mr. Pope moved that the House take final action on no more House bills during the present session ;

Which was agreed to.

The rule being waived, Mr. Carter introduced a bill to be entitled An act requiring the oath of secrecy to be administered to Witnesses and Bailiffs in the Circuit Courts of this State in certain cases, and for other purposes ;

Which was read by its title, and postponed until the fourth Monday in November next.

The rule being waived, Mr. Thompson of Levy introduced a bill to be entitled An act to amend the Common School Laws now in force in this State ;

Which was read by its title, and postponed until the Fourth Monday in November next.

Senate Bill to be entitled An act to amend An act relative to taking Depositions under Commission ;

Was read the first time.

Mr. Pope moved that the rule be waived and said bill be read a second time ;

Which was not agreed to.

The bill was then ordered to be read a second time on to-morrow.

The following bills which had passed the House were transmitted to the Senate:

Senate bill to be entitled An act to amend the Militia Laws of this State;

Senate bill to be entitled An act to prevent any deduction on Cotton Bales;

Senate bill to be entitled An act to remove the obstructions to the navigation of the Suwannee River;

Senate bill to be entitled An act amendatory of An act entitled An act amendatory of the several acts now in force in this State, in relation to trading with negroes;

Senate bill to be entitled An act to amend the general act for the incorporation of Towns, Academies and Religious Societies, approved January 6, 1847; and

Senate bill to be entitled An act to authorize Samuel B. Thompson to establish a ferry across the South fork of Black Creek.

The following bills and resolutions which had passed both Houses were transmitted to his Excellency the Governor, viz:

An act for the regulation of Pilots and Pilotage of the Bay and Harbor of Pensacola;

An act to regulate and establish the fees of the Secretary of State;

An act to amend an act entitled an act to amend the Patrol Laws of this State;

Resolution asking that the New Orleans and Key West Mail Steamer be required to touch at St. Andrew's; and

Resolution for the relief of L. C. Demilly.

A bill to be entitled An act for the relief of M. Whit Smith;

Was read the first time and the rule being waived, read a second time.

On motion of Mr. Dell, the first section of said bill was amended by striking out "\$200" in the 11th and 12th lines and "\$350" in the 13th line.

Mr. Carter moved to amend the bill by adding the following proviso to the 3d section:

Provided, That the Governor shall first require satisfactory evidence that the said William Crawford is a Lunatic, and actually in the Lunatic Asylum in Columbia, South Carolina.

Which amendment was agreed to.

Mr. Pope moved that the blanks in the first Section be filled with the amounts originally struck out;

Which was not agreed to.

On motion of Mr. Galbraith, the blanks in the 11th and 12th lines of the first Section were filled with "\$100 00" and the blank in the 13th line with "250 00."

On motion of Mr. Carter, the first Section was amended by adding

the following words: "subject to the approval of the Judge of Probate of Hernando County."

On motion of Mr. Qell, the second section of said bill was stricken out.

Mr. Taylor moved that the bill be indefinitely postponed;

Upon which motion the yeas and nays were called for by Messrs. Galbraith and Carter, and were as follows:

Yeas—Messrs. Coombs, Dismukes, Dummett, Johnston, Neel, Pope, Taylor and Thompson of Levy—8.

Nays—Mr. Speaker, Messrs. Carter, Chaires, Christie, Dell, Galbraith, Haddock, Harris, Haynes, Hollaman, Jones of Nassau, Parsons, Penn, Prescott, Riviere, Shine and Whitehurst—17.

So the House refused to postpone said bill indefinitely.

Mr. Parsons moved to amend the bill by striking out all after the enacting clause, and inserting the following:

That the Judge of Probate of Hernando County shall settle the accounts of M. Whit Smith, guardian of William Crawford, a lunatic, and make return of such settlement to the Governor of this State, who is authorised to provide for the expenses of said Crawford, until his return to this State, under provisions of law: *Provided*, That the Governor shall first require satisfactory evidence that the said Wm. Crawford is a lunatic and actually in the Asylum, in Columbia, South Carolina.

Which was not agreed to.

On motion of Mr. Dummett, the bill was postponed until the 4th Monday in Novembr next.

Mr. Dummett moved that the House adjourn until to-morrow, 10 o'clock, A. M.

Which motion was lost.

On motion, the House adjourned until to-morrow, 9 o'clock, A. M.

SATURDAY, January 13, 1855.

The House met pursuant to adjournment.

The Rev. Mr. Tydings officiated as Chaplain.

A quorum being present, on motion, the reading of the Journal of yesterday was dispensed with.

The following message from the Senate was read:

SENATE CHAMBER, }
January 13th, 1855. }

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has concurred in House amendments to the following bill:

A bill to be entitled An act to amend the general act for the incorporation of Towns, Academies and Religious Societies, approved January 6th, 1847.

The Senate has adopted House substitute for a bill to be entitled An act to authorize Samuel B. Thompson to establish a Ferry across the South Fork of Black Creek.

The Senate has passed the following bills, viz:

House bill to be entitled An act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company, without amendment; and

House bill to be entitled An act to authorize the Cuba and United States Submarine and Territorial Magnetic Telegraph Company to pass lines of Telegraph through the State of Florida, and to protect the same, with enclosed amendment.

In which amendment, the concurrence of the House of Representatives is respectfully requested.

Very respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

Pursuant to previous notice, Mr. Carter introduced a bill to be entitled An act to provide for the permanent location of the Seat of Government, and for other purposes;

Which was read the first time.

Mr. Galbraith moved that the rules be waived and that said bill be read a second time;

Which motion was not agreed to.

The bill was then postponed until the fourth Monday in November next.

On motion of Mr. Galbraith, the House reconsidered the vote of yesterday postponing until the fourth Monday in November next, Senate bill to be entitled An act for the relief of M. Whit Smith, and said bill was placed first among the Orders of the Day.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
January 12, 1855. }

To the Hon. Wm. F. RUSSELL,

Speaker of the House of Representatives:

SIR:—I respectfully return, without my approval, a Bill entitled “An Act incorporating the Florida and Macon Railway Company.”

The 4th Section of the 13th Article of the Constitution of this State declares, that “No Bank Charter, or any act of incorporation, granting exclusive privileges, shall be granted for a longer period than twenty years.”

The 2nd Section of the Charter under consideration, declares that “the said Florida and Macon Railway Company, as such, shall have perpetual succession, and have, enjoy, and exercise all the rights,

powers and privileges which Corporations may lawfully have." The 25th Section provides "that after the routes of such Railway, and branches, have been accurately surveyed and adopted, and a plat thereof deposited in the Office of the Secretary of State, it shall not be lawful for any other Railroad to be built, cut or constructed in any way or manner, or by any authority whatsoever, running laterally within twenty-five miles of the route so adopted, unless by said Company, or with the consent (after all indebtedness has been paid,) of a majority of the Stockholders at an annual meeting on a stock vote: *Provided*, that nothing herein contained shall interfere with any right heretofore granted to other Companies by any law of this State."

These quotations from the Charter lead me to suppose that it is designed to be of perpetual duration, and an "Act of Incorporation granting exclusive privileges." If I am not mistaken in this supposition, no argument is necessary to show that the provisions of the bill are in conflict with the Constitution of the State, and leave me no alternative but to return it to the House in which it originated, with my objections.

I would gladly confine them to this single point, but a sense of duty requires me to call the attention of the House to other features of the bill which are objectionable:

The General Assembly have recently passed an act for the encouragement of a liberal system of Internal Improvements in this State. The 24th Section of the act provides, "That no branch road from the main line of Railroad provided for by this act, between the waters of Pensacola or Escambia Bay and the junction with the Florida Railroad, shall be made to the Northern Boundary line of this State until that part of the line between the Suwannee River and the Florida Railroad has been constructed. Nor shall any such Branch Road be made to a point west of the Alapahaw River, without the consent of all the Companies owning the several portions of the main line, and without the approval of the Trustees of the Internal Improvement Fund." The State, in providing for a State system, had a right to require that our own connections should be made before we made external connections which might destroy our system. It was seen that if the Middle and Western Districts threw their business off on an Atlantic port in another State, the road between Suwannee and the St. John's would never be constructed. It was therefore provided that that connection should be made before any Branch to the Northern boundary of Florida should be built. Again it was supposed to be highly probable that the Road between the junction with the Florida Road and Pensacola Bay, would be constructed by several Companies, and a Branch to Georgia by either of the most Western might be injurious to the Eastern, and it was therefore provided that no such branch should be constructed west of a certain point, even after the connection east was

made, without the consent of all the Companies on the line. In addition to these safe-guards, it was seen that the majority of the stock of these Companies might pass into the hands of those interested in withdrawing the trade from our lines, and as any such diversion would impair the security of the Internal Improvement Fund, it was further provided that no such branch should be made unless approved by the Trustees of the Internal Improvement Fund, or a majority of them. Thus we see, that before making a branch to the Northern boundary of this State, the road from Suwannee East had to be finished, the Companies on the line had to consent, and the Board of Trustees of the Internal Improvement Fund had to approve. These checks secured the State connection, enabled each Company to protect its own interest and enterprizes and the Trustees to protect the interest of the Internal Improvement Fund. Thus guarded, the general bill passed and became a law, and is believed to possess the energy necessary to secure the construction of our whole system of Roads.

These safe-guards and securities would be in a great measure destroyed by the Charter under consideration. Its 9th Section provides "that the Company may survey, locate and construct a Railway from any point at or near Cedar Keys, or from some point on the line of the contemplated Railway from Cedar Keys to Amelia Island on the Atlantic coast, thence to the north line of the State in the direction of Macon, Georgia, with such Branches as the Company may think proper to construct, which Railway or branches may be constructed with as many sets of tracks, side tracks or turn outs as the President and Directors may deem necessary, and in such a manner as to secure a Roadway not exceeding two hundred feet in width, and also to construct a Railway from some point between the Choctawhatchie and Apalachicola Rivers; thence"

The branching powers of this Company are guarded only by the 32nd Section, and that only requires the consent of the Board of Trustees to enable them to go to any and every point in the State. The necessity for constructing that portion of the road lying between the Suwannee and the junction, in advance of Northern branches, is wholly disregarded. The interest of the Companies owning the line between Pensacola Bay and the junction, is not represented. These great interests, State and individual, are at the mercy of this subsequent Company, with no restriction except the consent of a majority of five Trustees, who are changing by election every two and four years. With such an encroachment upon our system, it is not probable that we could raise money for the construction of our East and West road.

Again—the Charter gives exclusive privileges for twenty-five miles on each side of all lines and branches, so soon as the routes are adopted and surveyed, and a plat deposited in the Office of the Secretary of State; and to locate branches with exclusive privileges

in every Section of the State, does not require even the consent of the Board of Trustees. It is only the actual construction of the road to which their consent is necessary. But this is not all. These lines may be secured, and as there is no time specified for a commencement or completion of the work on any one of them, they may be found to be in the way of those who would not only locate but build the roads. We require our State system of roads to commence in four years and finish in eight, and I can see no reason why all Charters should not be limited; and especially is a limit important when there are exclusive privileges, with authority to charge any rate of freight, that the Company may name, as in this case. With a Company so disposed, they could build one road, locate Branches in such a way and to such an extent as to prevent competition, charge extravagant freights, and no remedy could be applied.

Another objection may be found in the fact that in granting alternate Sections of land for six miles on either side of the road and branches, all State lands are embraced, whereas in granting lands to the Board of Trustees for purposes of Internal Improvement, the General Assembly only reserved power, as is shown in Section 29 of the general bill, to grant alternate Sections of swamp and overflowed lands to any subsequent charter; and this only on condition that it conformed to the provisions of that general act in the manner of constructing the road and drainage, &c. The charter under consideration does not so conform, and therefore, the power to grant land was not so reserved in its favor.

Another objection may be found in the extraordinary exemption from Taxation enjoyed by this Company. They may take one hundred years to complete the road if they desire, and during all that time, and for thirty-five years after, their property is exempt from taxation, and it is even provided that in case the United States, by special or general act, shall grant land for the use of this Company, the State will exempt it from taxation until the roads are completed, and for five years thereafter. There is not a Railroad charter connected, or to be connected, with the State system that approaches this in point of liberality.

For these and other reasons, which might be named, I return the bill, and respectfully recommend its re-consideration.

In doing so, I will not attempt to conceal my regrets. The connections contemplated would be of great consequence to us, and nothing but a sense of duty could induce me to take the course which I feel that my obligations to the Constitution and our common constituency, require.

Very Respectfully,
JAMES E. BROOME.

The Message of his Excellency the Governor and the bill returned therewith, was laid on the table.

The Committee on Enrolled Bills made the following report :

The Committee on Enrolled Bills have examined the following bills and resolution and report the same correctly Enrolled :

Resolution authorizing the Comptroller to audit certain accounts therein named;

A bill to be entitled An act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company;

A bill to be entitled An act to change the time of holding Court in the Southern Judicial Circuit of Florida;

A bill to be entitled an act to change the times of holding the Circuit Courts in the Eastern and fifth Judicial Circuits of Florida;

A bill to be entitled an act to prevent persons from attempting to entice or steal negroes;

A bill to be entitled an act defining the duties of Witnesses in the several Courts of this State;

A bill to be entitled an act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes;

A bill to be entitled an act to authorize James F. Harley, a minor, to contract and be contracted with;

A bill to be entitled an act making appropriations for the expenses of the State Government for the Fiscal year 1855.

Respectfully submitted,

W. M. C. NEEL,
Chairman.

Which was read.

The following bills and Resolutions which had passed both Houses of the General Assembly, and had been duly enrolled and signed, were transmitted for approval to his Excellency the Governor, viz:

Resolution authorizing the Comptroller to audit certain accounts therein named;

A bill to be entitled An act to extend the time for the enjoyment of the chartered privileges of the Columbus Bridge Company;

A bill to be entitled An act to change the time of holding Court in the Southern Judicial Circuit of Florida;

A bill to be entitled An act to change the times of holding the Circuit Courts in the Eastern and Fifth Judicial Circuits of Florida;

A bill to be entitled An act to prevent persons from attempting to entice or steal Negroes;

A bill to be entitled An act defining the duties of Witnesses in the several Courts of this State;

A bill to be entitled An act to prevent non-residents of this State from hunting or killing any deer or other game within the limits of this State, and for other purposes;

A bill to be entitled An act to authorize James F. Harley, a minor, to contract and be contracted with; and

A bill to be entitled An act making appropriation for the expenses of the State Government for the fiscal year 1855.

The following message was received from his Excellency the Governor:

EXECUTIVE CHAMBER,
TALLAHASSEE, January 12, 1855. }

Hon. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR:—I respectfully submit the following nominations for the advice and consent of the General Assembly :

For the County of Brevard :

Auctioneer—William Ransom.

For the County of Levy :

Auctioneers—Daniel Hogans, S. L. Edwards.

For the County of Jackson :

Auctioneer—Robert S. Dickson.

For the County of Duval :

Port Wardens for Jacksonville—Charles Broward, Henry E. Holmes, H. H. Hoeg, Theodore Hartridge, F. C. Barrett.

Auctioneer—M. F. Hyams.

Lumber Inspectors—N. H. Vaught, F. B. Land, J. B. Sadburry, Thomas Bowden, B. Frisbee, Thos. N. McConnell, John M. Bowden.

For the County of Santa Rosa :

Auctioneer—Abram Forchimer.

Lumber Inspectors—William McKain, Jesse C. Allen.

For the County of Escambia :

Port Wardens for the Port of Pensacola—Henry F. Ingraham, Chester P. Knapp, Wm. H. Judah, John Griffin, George H. O'Neal.

Very Respectfully,

JAMES E. BROOME.

Which was read, and the nominations therein contained, advised and consented to.

ORDERS OF THE DAY.

Senate bill to be entitled An act for the relief of M. Whit Smith

Was read the second time, the rule waived, read a third time by its title and put upon its passage, upon which the vote was :

Yeas—Mr. Speaker, Messrs. Bellamy, Carter, Christie, Coombs, Galbraith, Harris, Haynes, Hollaman, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Riviere, Shine, Thompson of Levy and Whitehurst—19.

Nays—Messrs. Johnston and Taylor—2.

So the bill passed—title as stated.

Ordered that the same be certified to the Senate.

On motion of Mr. Carter, it was ordered that the copy of certificate annexed to the testimony upon which said bill was founded, be spread upon the Journals, which certificate is in the words and figures following, to-wit :

Copy of certificate given in case of Wm. Crawford, of Florida, by Physicians and Magistrate.

"We the undersigned, practicing Physicians, with D. B. Miller, a Magistrate, have examined Wm. Crawford of Florida, and from his conversation we declare him of unsound mind and that he would be unsafe if at large.

D. B. MILLER, Magistrate.
A. H. MAGEE, M. D.
CHAS. R. MOSELEY, M. D.

(Fees paid by Dr. Parker, \$12.)

Copy of Regents' order.

LUNATIC ASYLUM, April 2d, 1853.

"We the undersigned Regents with the Physician have this day examined Wm. Crawford of Florida, and considering him insane do order his detention in this institution as a fit subject."

JOHN BRYCE,
R. H. GOODWYN,
M. J. WILLIAMS.

J. W. PARKER, *Physician pro tem.*

SOUTH CAROLINA, }
RICHLAND DISTRICT. }

Personally appeared before me J. W. Parker, who made oath that the above is a true copy from the original certificate.

J. W. PARKER.

Sworn to before me, June 21st, 1853.

J. H. VANCE, *Magistrate ex. off.*

Senate bill to be entitled An act for the relief of M. Whit Smith, which had passed the House, was transmitted to the Senate.

On motion of Mr. Pope, a Committee of three was appointed, consisting of Messrs. Pope, Dummett and Haynes, to wait upon the Senate and inform that body that the House would be ready to adjourn *sine die* at 12 o'clock, M.

The Judiciary Committee made the following Report :

The power of the Legislature to repeal the act entitled An act, &c., by which for the first time provision was made for a separate Supreme Court, depends upon the other question, whether the act so passed was done in pursuance of the ordinary powers of legislation, or whether the act was the exercise of a power purely ministerial. If it was of the former character, then like all other acts of legislation, it may be altered or repealed.

If it be true that the power vested by the constitution was purely

ministerial, the power ceased when the object was accomplished by the execution of the power.

In determining the character of the act performed by the Legislature in the passage of the act in question, it will not only be proper, but essential to a correct decision, that the amendment to the fifth article of the Constitution, passed by the Legislature the first time in 1850, to be taken into consideration.

By the third clause of the fifth article, the powers of the Court are vested, and its duties are to be performed by the Circuit Judges for five years, and thereafter until the Legislature should otherwise provide.

The Supreme Court and its powers defined was created by the first and second clauses.

The third section of the amendment before referred to, uses the following language :

"That whenever the General Assembly shall create a separate Supreme Court," &c., &c. It also says—"The Judges of the separate Supreme Court shall be elected by general ticket," &c. To enable us fully to understand the extent of the power possessed by the General Assembly over the subject under the Constitution, as it now stands, let us suppose that up to this time no "separate Supreme Court" has been "created." That up to this time the Circuit Judges have been "vested" with the powers and have performed the duties, and the General Assembly has not otherwise provided. Suppose at this session a bill such as the one on the statute book, providing for the election of "separate Supreme Judges," should be passed.

If the power confided to the Legislature was purely ministerial, not capable of being reconsidered or recalled, then no bill could be passed, (as can be done in other cases,) repealing such law. I put this case to get rid of the argument upon the mode in which separate Supreme Judges are to be elected. Will any one pretend that the Legislature under the circumstances put, could not repeal such an act?

Taking it for granted that no such power would have existed under the Constitution as it originally read, would not the language of the third section of the amendment, "whenever the General Assembly shall create a separate Supreme Court," materially change the construction if that contended for had been obtained? It seems to me that the language used in the amendment is expressive of the fullest power in the General Assembly. The words used may be received as recognizing the existence of the power, and looking to its exercise, or they may give the power by implication, not wishing to derive authority from the Constitution for any power claimed under it by implication, where there is language expressly delegating the authority, or recognizing its existence. I prefer what seems to be the warrantable and natural conclusion from the language used—that the Legislature and the people, who, through the Legislature,

adopted the amendment, having the Constitution before them for consideration and revision, deemed the authority conferred on the General Assembly, not purely ministerial but legislative. The language used "when the Legislature shall create," is a declaration as strong as language can make, that the Legislature has the power to create. The amendment is provisional. It provides how the Judges of a separate Supreme Court *shall be elected*, when a separate Supreme Court shall be *created*. When an instrument makes provision against, or in the case of the performance of an act, it is tantamount to an express admission that the act *may be performed*, then it is assumed that the person or persons alluded to, have the power to perform. How it can be admitted that the language quoted is a part of the Constitution, that reference is had and provision made against an exigency arising from an act of the General Assembly "creating" a Court, and then argue that the Legislature did not create it, seems to me so contradictory in terms, and so much opposed to reason and common sense, as to render argument against such position, thrown away. The mere statement of it defeats it.

The act entitled an act to organize a Supreme Court, &c., &c., was penned at the same session of the General Assembly when the amendment of the fifth article was passed for the first time. It passed the Senate on the 6th January, 1851. Passed the House December 20, 1850. The amendment to the Constitution passed the Senate on the 23d December and House 13th December, 1850.

The amendment to the Constitution was drawn and penned before the Supreme Court bill became a law. Both matters were before the General Assembly. The Supreme Court bill was a law when the amendment was submitted to the people as is required by publication in the newspapers. It was a law when the people voted to adopt the amendment. The whole subject has then been before the competent authority. The language of the amendment asserted by the General Assembly who framed it, (and which General Assembly passed the act now sought by the present General Assembly to be repealed,) and adopted by the people, declares in terms beyond question, that the "*separate Supreme Court*" is in existence when the amendment is so adopted, and such language used, a "creation" of the General Assembly. In our opinion, this declaration of the people made as provided in the Constitution, is the highest interpretation. It is the law itself. The Constitution itself declares the Court to be *created* by the Legislature. The people speak in the Constitution. The "*separate Supreme Court*" when "created" by the General Assembly, could only be created by them in exercise of their Legislative, their law-making functions. They "create" the Court by the passage of a law. That law the General Assembly may repeal.

The argument made against the constitutionality of the repealing act by those who profess to be tender of trespassing upon the reserv-

ed rights of the people, consists in the assumption that the act now before the House constitutes a Judge of the Circuit Court a Judge of the Supreme Court. That thereby that part of the 3d clause of the amendment to the 5th article, which provides that "Judges of the Supreme Court shall be elected by general ticket," is indirectly violated, the Judges of the Circuit Court not being so elected.

The simple answer to this objection is this—that the act before the House does not create a separate Supreme Court, nor continue the one created. It abolishes it. Therefore, there is nothing in the act which makes the Judges of the Circuit Court "Judges" of a "*separate*" Supreme Court, and consequently no effort is made to invest them with an office by act of the General Assembly, to which they could be called alone by a vote of the people voting by general ticket. They remain *Judges of the Circuit Court*. Their commissions remain the same—no new ones are issued to them. They are, as Circuit Judges, required to "*perform the duties*," and are "*vested with the powers of the Supreme Court*."

The 3d clause of the amendment referred to is altogether in reference to a separate Supreme Court. When there is such a tribunal, viz: one composed of Judges whose functions are "*separate*" from those of any other Judges, either Circuit or Chancellor, the persons who fill such office, and possess such peculiar and separate attributes, must be elected by general ticket.

A Judge of the Circuit Court is not elected by general ticket, and yet by the judgment and order of the existing separate Supreme Court, as also by the acquiescence of the Circuit Judges, he or they can preside upon the Supreme Bench without any constitutional qualification, claiming their sole right through an enactment of the Legislature, whose power to confer said right they are disposed to deny. And strange to say, each and every one of those Judges, Circuit and Supreme, are sworn to support and defend the Constitution of the State. And stranger still, whilst admitting the constitutional right of one or even two Circuit Judges to sit upon the present Supreme Court, they deny it to the third. They are therefore aptly termed "*separate*" Supreme Judges, and the Court a "*separate*" Supreme Court, to distinguish it from a Court composed of Judges "*uniting*" the functions of original and appellate jurisdiction. It is in such sense that the word "*separate Supreme Court*" is used to distinguish it from the only other kind of Supreme Court recognized or known.—When such "*separate Supreme Court*" was created by the General Assembly, the people voting by general ticket, elected the persons composing it. Should any future act "*creating*" such a tribunal be passed, it must be filled by persons so chosen. When the tribunal now existing is abolished, and the separate Supreme Judges thereby cease to exist as such, the Judges of the Circuit Court elected by the people of their respective Circuits, meeting together, decide all questions arising upon appeal or writ of error, as before

shown, in their capacity of and under their commissions as Circuit Judges.

The argument sought to be made upon the mode of electing Judges of a separate Supreme Court, leads to the inevitable conclusion that the act of the legislature by which the Circuit Judges, in certain cases, are required to sit on appeal and upon writs of error, is made unconstitutional by that part of the 3d clause of the amendment to the 5th article alluded to.

The Supreme Court at its first session decided that the clause in the act creating the separate Supreme Court was constitutional, and that the Circuit Judges could constitutionally sit as before. After this decision thus made, the amendment was submitted to the people, and adopted by the second vote of the General Assembly. Had it been intended to do away with the exercise of appellate power by Circuit Judges, the legislatures which passed the amendment, would have directly repealed the law, and not have left it to be declared void by a forced construction of the latter part of the 3d clause of the amendment to article 5. The same Legislature which required the Circuit Judges to sit on appeal, &c., framed the amendment—Can it be supposed they designed to make void, in the exercise of the power given to them to alter the Constitution, the law which they simultaneously put in existence? A construction such as that, if contended for, would involve a gross absurdity; and yet the argument made as to the constitutionality of this law, or so far as it depends on the language of the proviso of the 3d clause of the amendment to article 5th, leads inevitably to this result. If the argument is a good one, and it authorizes such a conclusion, then all the acts of the Supreme Court when composed in whole or in part of Circuit Judges, sitting in pursuance of the act entitled "An act to organize the Supreme Court, &c.," are void. What lawyer or Judge is there who will be hardy enough so to declare? The present Supreme Judges have held the law valid. They have called in the Judges of the Circuit Court to perform the duties of the Supreme Court, when the necessity provided by the act arose. They have permitted such Judges to exercise and share with them, the powers of the Supreme Court. This was not done without reflection. It was a question mooted at Tallahassee by the Judges of the Supreme Court. No member of the Bar had, or at least expressed a doubt upon the subject. One of the Judges suggested the question now raised, whether any Judge could act as Judge of the Supreme Court unless he came within the proviso of the 3d section of the amendment to the fifth article. No action was taken at Tallahassee, because no occasion was presented for it, but at Marianna at the first session held there, by the present Supreme Judges, they proceeded to call on the Circuit Judges to sit, without calling for an argument of the question or pronouncing any public opinion on the subject. The constitutionality of the law was deemed unquestionable and so acted upon. It

is to be supposed that if the Supreme Judges had entertained a rational doubt on the subject, that they would have expressed it, and have sought the aid of the Bar in the discussion of it.

The Judges of the Circuit Court when called on to perform the labors imposed by the act, in itself arduous and unpleasant, by their obedience to the call, and by their assumption and exercise of the functions assigned them by the law, gave evidence that they deemed its requirements constitutional.

The members of the Bar have invariably assented to the operation of the law. They have appeared before the Supreme Court when the Circuit Judges have occupied a place on the bench of it, and have recognized their right to do so, and have respected their decisions as law.

In the face of all this authority, and in support of the law, the man who seeks to open the question anew, has but little respect for established precedent, for all cotemporary exposition, and is careless of the injurious consequences which would ensue from a decision, such as that contended to be made.

The effects would be undue some of the most solemn acts of the Court to re-open litigation, to disturb vested rights and to create a want of confidence in all Judicial acts.

We would further remark, that the third section of the fifth article of the amended Constitution, provides for the creation of a separate Supreme Court, and uses the following language: "Whenever the General Assembly shall create a separate Supreme Court or Chancery Court."

This language clearly indicates that the people of the State, speaking through their Constitution, intended not only to confer creative power upon the Legislature, but also to leave its exercise entirely to its own election.

The words "whenever the General Assembly," must necessarily refer to the future exercise of the creative power conferred upon the Legislature, and cannot sanction the exercise of such power before the Constitution bestowed it. But notwithstanding this section of the amended Constitution was not made a part of the fundamental law until 1852—a separate Supreme Court was organized in 1850. Now we would ask, do the provisions and requisitions of the amended Constitution apply to a Supreme Court created before the amendment to the Constitution referred to was ratified by the people?—Clearly not. Then is there now in existence no separate Supreme Court as contemplated to be organized under the 3d section of the amended Constitution, and if not, the Legislature have, under the Constitution as it originally stood, the clear power to provide for such an organization.

B. C. POPE,
Chairman.

Which was read, and 100 copies thereof ordered to be printed.

The following message from the Senate was read :

SENATE CHAMBER,
January 13, 1855. }

Hon. Speaker of the

House of Representatives :

SIR:—The Senate has passed the following bills, viz :

House Bills to authorize the Trustees of the Internal Improvement Fund, to surrender the right, title, and claim of the State to certain Lands; and

House bill to be entitled An act for the relief of J. P. K. Savage and Haley T. Blocker, and for other purposes.

The Senate has concurred in House amendments to bill to be entitled An act for the relief of M. Whit Smith.

Very respectfully,

D. G. LIVINGSTON,
Secretary of the Senate.

Ordered that the bills be enrolled.

The following message was received from his Excellency the Governor :

EXECUTIVE CHAMBER, }
TALLAHASSEE, January 13, 1855. }

Fellow Citizens of the Senate and

House of Representatives :

I beg leave respectfully to call your attention to the subject of an appropriation for the expenses and compensation of the Commission recently appointed, under an interlocutory decree of the Supreme Court of the United States, with reference to the settlement of the boundary between this State and Georgia. The bill was filed by this State, and the interlocutory decree made at the request of the Attorneys of both States. The question may be finally disposed of during the present term of the Court, the line ordered to be run, and the final report filed before the meeting of the General Assembly in November next. Without an appropriation, I cannot perform the duties, if required, and there is no citizen of the State who would not feel regret at knowing that his Government, as the plaintiff in the suit, had been forced to acknowledge her inability to execute the decree.

I have no fund with which to pay Attorneys' fees, long since contracted, nor the expenses and compensation for services rendered by the Boundary Commission, appointed by myself, under the law of the State and the official opinion of the Attorney General. I respectfully request that the General Assembly will not adjourn without making the necessary provision, and appointing an officer to audit and settle the accounts.

Very respectfully,

JAMES E. BROOME.

Which was read and laid on the table.

The following letter was laid before the House by the Speaker :
Hon. Speaker of the

House of Representatives :

SIR:—I respectfully tender my resignation as Representative from the County of Wakulla, to take effect after to-day.

A. R. COOMBS.

January 13, 1855.

Which was read and laid on the table until the fourth Monday in November next.

Mr. Hollaman offered the following Resolutions, which were adopted :

Be it Resolved by the House of Representatives, That our thanks be tendered to the Honorable Speaker, for the courteous, able and impartial manner in which he has discharged the onerous duties of his station during the present session.

Be it further Resolved, That the Rev. Mr. Tydings is entitled to our respectful consideration, and it is hereby tendered for the manner in which he has discharged the duties of Chaplain during the present session.

Be it further Resolved, That the Clerks and other officers of this House are hereby tendered our thanks for their attention and valuable services during the present session.

The Speaker replied thereto in an eloquent and appropriate address.

Mr. Dell offered the following Resolution :

Resolved, That the Speaker adjourn this House at 9 o'clock, P. M., over to the fourth Monday in November 1855, under joint resolution of both Houses of this General Assembly.

Which was adopted.

Ordered that the same be certified to the Senate.

On motion of Mr. Carter, the Message of his Excellency the Governor relative to the payment of expenses incurred in the settlement of the boundary question, was taken from the table and referred to the Committee having charge of that subject.

Said Committee made the following Report :

The Select Committee on the Boundary question, to which was referred a communication from the Governor, asking appropriation for the purpose of carrying on the suit now pending relative to the same, Report that a bill for that purpose has passed the House, and has been transmitted to the Senate. Your Committee fully concur with the Governor, that the subject is one of much importance, and demands the prompt attention of the Assembly. We know of no further action, however, on the part of the House, which is necessary in the premises.

J. B. GALBRAITH,
 PHILIP DELL,
 R. A. STINE.

Which was received and read.

The Committee on Enrolled Bills reported the following Bills and Resolution as correctly Enrolled, viz:

A bill to be entitled An act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain lands:

A bill to be entitled An act regulating Quarantine for the Port of St. Marks; and

Resolution asking Congress to establish certain Mail Routes in Alachua County:

Which Bills and Resolution, after having been duly signed, were transmitted for approval to His Excellency the Governor.

A call of the House being ordered, the following members answered to their names, viz:

Mr. Speaker, Messrs. Bellamy, Chaires, Coombs, Dell, Dismukes, Galbraith, Harris, Holloman, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Shine, Taylor and Thompson of Levy—18.

So there was not a quorum present.

The roll being again called, the following members answered to their names, viz:

Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Holloman, Johnson, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Shine, Taylor and Thompson of Levy—20.

So there was not a quorum present.

The roll being again called, the following members answered to their names, viz:

Mr. Speaker, Messrs. Bellamy, Chaires, Christie, Coombs, Dell, Dismukes, Galbraith, Harris, Holloman, Johnston, Jones of Nassau, Langford, Neel, Parsons, Penn, Pope, Porter, Shine, Taylor and Thompson of Levy—21.

So there was a quorum present.

The following message was received from the Senate:

SENATE CHAMBER, January 13, 1855.

Hon. Speaker of the

House of Representatives:

SIR:—The Senate has passed enclosed bill to be entitled An act to provide for the expenses of Florida in the settlement of boundary with the State of Georgia, with amendments.

Very Respectfully,

D. G. LIVINGSTON,

Secretary of the Senate.

On motion, said amendments were concurred in, and the bill as amended ordered to be enrolled.

Ordered that the same be certified to the Senate.

The rule being waived, Mr. Galbraith was permitted to introduce

without previous notice a bill to be entitled An act to fix permanently the Seat of Government of the State of Florida ;

Which was read and postponed until the fourth Monday in November next.

On motion,

The House took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M

The House resumed its session.

The following Message was received from his Excellency the Governor:

EXECUTIVE CHAMBER, }
January 13, 1855. }

HON. W. F. RUSSELL,

Speaker of the House of Representatives :

SIR :—I have approved and signed the following Bills and Resolution :

An act making appropriations for the expenses of the State Government for the fiscal year 1855 ;

An act to amend the Patrol Laws of this State ;

An act to regulate and establish the fees of the Secretary of State ;

A Resolution relative to the New Orleans and Key West Mail Steamers ;

An act defining the duties of Witnesses in the several Courts of this State ;

An act to authorize James F. Harley, a minor, to contract, &c. ;

An act to extend time for the enjoyment of chartered privileges to the Columbus Bridge Company ;

A Resolution authorizing the Comptroller to audit certain Accounts ;

An act to provide for taking the Census in the year 1855, in this State ;

An act to authorize W. M. C. Neel to establish a Ferry across the Chattahoochee River ;

An act granting aid to the County of Putnam to build a Court House and Jail ;

An act regulating Quarantine at St. Marks ;

A Resolution asking Congress to establish certain Mail Routes ;

An act to authorize the Trustees of the Internal Improvement Fund to surrender the right, title and claim of the State to certain Lands ;

An act in relation to Pilotage.

Respectfully,

JAMES E. BROOME.

On motion of Mr. Carter, a Committee was appointed consisting of Messrs. Carter, Langford and Penn, to inform the Senate that the House would be ready to adjourn at half past three o'clock, P. M.

Said Committee reported that they had performed the duty assigned them.

On motion of Mr. Carter, a Committee was appointed consisting of Messrs. Carter, Shino and Jones of Nassau, to wait upon his Excellency the Governor, and inform him that the House would be ready to adjourn at half past three o'clock, P. M.

Said Committee reported that they had performed the duty assigned them, and had been instructed by his Excellency to state that he had no further communication to make to the General Assembly.

On motion of Mr. Penn, the House adjourned until the Fourth Monday in November, A. D. 1856.

APPENDIX.

No. I.]

DOCUMENTS

Accompanying the Governor's Message.

REPORT OF THE REGISTER

Of Public Lands and Superintendent of Common Schools.

STATE REGISTER'S OFFICE, }
NOVEMBER 1st, 1854. }

To His Excellency, JAMES E. BROOME,

Governor of Florida :

SIR :—As Register of Public Lands and Superintendent of Common Schools and Seminaries for the State, I have the honor to submit to your Excellency the following as my Biennial Report :

SEMINARY FUND.

From the 31st October, 1852, to 1st November, 1854, I have sold of lands belonging to this fund, 7569 81-100 acres at an average price of \$1 41-100 per acre, producing the sum of \$10,687 18-100, in cash and bonds, of which \$10,205 68-100 were received into this office, and \$481 50-100 into the Treasurer's Office. Add this number of acres to the 21,213 58-100 acres stated as having been sold at the date of my last report, and it appears that the whole number of acres sold belonging to this fund since the first establishment of this office, is 28,783 39-100, which, according to the previous reports of my predecessor and myself, have been sold at an average price of \$2 15-100 per acre, producing the sum of \$61,863 80-100 in cash and bonds. The following table shows the receipts and disbursements on account of this fund from October 31st, 1852, to November 1st, 1854 :

RECEIVED IN CASH.

From Sales of Land, being cash payments.....	\$3,818 42
" Bonds given since 1st January 1853.....	1,731 55
" Bonds given prior to " " ".....	1,921 52
	<hr/> \$7,471 49

DISBURSED.

For Appraising.....	\$	5	00
“ Printing.....		32	50
“ $\frac{1}{2}$ binding books for office.....		18	56
“ Stationery.....		11	57
“ $\frac{1}{2}$ Register's salary.....		916	62
“ turned over to the Treasurer.....		6,143	22
Balance to credit of account.....		344	02
			<hr/>
			\$7,471 49

RECEIVED IN BONDS.

From sale of lands, sold since January 1, 1853, to November 1, 1854.....	\$6,810	28
Deduct amount paid on said bonds, as above stated...	1,731	55
		<hr/>
Balance of said bonds in hand.....	5,078	83
Add amount of bonds given prior to January 1, 1853, still unpaid.....	568	57
		<hr/>

Whole amount of unpaid bonds belonging to this fund, in this office..... **\$5,647 30**

The statement marked [A,] appended to this Report, shows the items for which the above amount was disbursed.

The whole of this Fund consisted, originally, of the four townships, or 92,160 acres of Land granted by the United States to the State of Florida, for the establishment of two Seminaries of Learning; one East and the other West of the Suwannee River. The Fund now consists of the proceeds of the 28,783 39-100 acres that have been sold as before stated, and the remaining 63,376 61-100 acres that remain to be sold. These have all been judiciously located by the State and approved by the proper Department of the General Government. The unsold Lands belonging to this Fund are generally of good quality, and if not forced too rapidly upon the market, ought to command an average price of at least \$2 00 per acre, free of the expenses incident to their sale. In this event this Fund will be worth in cash, when all its Lands shall have been disposed of, about \$200,000—a sum which will go far, if judiciously expended, towards building up two Institutions of Learning, which, I trust, will prove the pride, as well as the ornaments and blessings of our State.

No site has yet been selected for the location of the Seminary West of the Suwannee River. I am informed that the Commissioners appointed by your Excellency, under an act of the last General Assembly, will shortly convene for the discharge of their duty.

By an act of the last General Assembly, the Seminary to be located East of the Suwannee River, was fixed at the town of Ocala, in the County of Marion.

During the month of May last, I made an official visit to this Institution, and I am much gratified in being able to say that, though in its infancy, I found it in a flourishing condition, and giving promise of great future usefulness. I found about sixty students in attendance; and the Trustees, as well as the learned Faculty, Male and

Female, were united in an ardent desire to promote their education, and the general welfare of the Institution, by all the means at their command. My visit strongly impressed me with the hope, that the time is not far distant when the children of our State will be no longer under the necessity of going abroad in search of educational advantages, but that the period is near at hand when they will have at home, within our own borders, as ample opportunities for intellectual and moral culture as can be found elsewhere.

Appended to this Report, marked [B,] your Excellency will find the Report recently made to me by the Board of Education of the Ocala Seminary, in which will be found the opinions and views of that Board, as to the best means of promoting the welfare of the Institution. These views I commend to the consideration of your Excellency and the General Assembly.

SCHOOL FUND.

From the 31st October, 1852, to the 1st November, 1854, I have sold of Lands belonging to this Fund, 11,344 17-100 acres, at an average price of \$1 60-100 per acre, producing in cash and bonds \$18,112 57-100, of which \$1,631 30-100 were received in the Treasurer's office, and \$16,481 27-100 in this office. Add this number of acres to the 4,199 22-100 stated in my last Report as having been sold by me, and it appears that the whole number of acres sold, belonging to this Fund, since I took charge of this office on the 23d November, 1850, is 15,543 39-100 at an average price of \$1 64½ per acre, producing the sum of \$25,534 64-100. The following table shows the receipts and disbursements of this office on account of said Fund from 31st October, 1852, to the 1st November, 1854:

RECEIVED IN CASH.

From sales of land, being cash payments.....	\$ 5 243 84	
“ United States Five per cent. Fund.....	2,931 11	
“ Premium on Drafts for above per cent.....	30 65	
“ Bonds given since January 1, 1853.....	623 45	
“ Bonds given prior to “ “ “	14,369 67	
		<hr/> \$23,198 70

DISBURSED.

For Stationery.....	\$ 11 57	
“ ½ cost binding books for office.....	18 56	
“ Printing and Advertising.....	142 25	
“ Locating, Appraising and Diagrams.....	950 73	
“ Rescinded sales.....	368 51	
“ Auctioneering.....	38 00	
“ ½ Register's Salary.....	916 62	
“ Turned over to the Treasurer.....	21,929 75	
Balance to Dr. account—excess of disbursements above receipts for this fund.....		<hr/> 1,177 29
	<hr/> \$24,375 99	<hr/> \$24,375 99

RECEIVED IN BONDS.

From sales of land between said dates.		\$11,237 43
Deduct payments as aforesaid on the said bonds given as aforesaid.	\$623 43	
Amount of bonds returned on account of rescinded sale.	993 09	1,616 53
Balance of bonds in this office belonging to this fund. .		\$9,620 91
Add amount of bonds given prior to January 1, 1853, still unpaid and remaining in this office.		6,293 98
Whole amount of bonds in this office still unpaid, belonging to this fund.		\$15,914 89

Appended to this Report find statement marked [C.] showing the items on account of which the above amount was disbursed.

In the month of May, last, having had them previously appraised and advertised as the law directs, I offered at public sale all the 16th sections lying in the Counties of Nassau, St. Johns, Duval, and Putnam, and all lying north of the township line No. 21, in the County of Orange. Many of these lands are chiefly valuable only for their timber, and it may be long before all of them will command the minimum of \$1 25-100 at which they were offered. In the month of March last, I offered the 16th Sections in Escambia County. The sales there were dull, but it is hoped that the contemplated Railroad improvements in that section will so increase the value of these lands as to make them command the minimum.

Since the date of my last Report I have caused to be located, and reported to the proper department at Washington for approval, 10,379 87-100 acres, to supply deficiencies in 16th Sections.

Congress has not yet, that I am aware, authorized the State to make selections to supply the deficiencies caused by a very large number of 16th Sections being covered by old grants. It was doubtless originally the intention of the Government to appropriate every 16th Section to School purposes. When this intention is defeated by the intervention of old Spanish or other grants, I presume that Congress, upon a proper application from our Representative and Senators, would allow us to supply such deficiencies by locations elsewhere. Perhaps a Resolution on this subject by the General Assembly would expedite the accomplishment of this desirable object.

COMMON SCHOOLS.

The following statement shows the number of children in each County between the ages of five and eighteen years, and the amount of money I have apportioned to each county, accruing from the interest of the School Fund.

The apportionment of Interest accruing on the School Fund from July 1, 1853, to July 1, 1854, among the several Counties in the State of Florida.

NO.	COUNTIES.	No. of Children.	Rate.	Dollars.	Cents.	REMARKS.
1	Escambia,....	670	30.35	203	34	*No Report this year.]
2	Santa Rosa,...	686	30.35	205	20	
3	Walton,.....	533	30.35	161	77	
4	Washington,...	478	30.35	145	07	
5	Jackson,	962	30.35	291	97	" " " "
6	Holmes,	414	30.35	125	64	
7	Calhoun,....	250	30.35	75	87	
8	Franklin,.....	435	30.35	132	03	
9	Gadsden,	1802	30.35	546	91	" " " "
10	Leon,.....	1042	30.35	316	24	
11	Wakulla,....	481	30.35	145	98	
12	Jefferson,...	944	30.35	286	51	
13	Madison,....	1166	30.35	353	88	" " " "
14	Hamilton,...	517	30.35	156	91	
15	Columbia,...	600	30.35	182	11	
16	Nassau,.....	341	30.35	103	49	
17	Duval,.....	951	30.35	288	62	" " " "
18	Alachua,....	900	30.35	273	15	
19	Marion,....	646	30.35	196	06	
20	Sumpter,....	233	30.35	70	71	
21	St. Johns,...	500	30.35	151	75	" " " "
22	Putnam,	233	30.35	70	72	
23	Levy,.....	131	30.35	39	75	
24	Orange,....	114	30.35	34	59	
25	Hernando,...	269	30.35	81	64	" " " "
26	Hillsborough,	691	30.35	209	71	
27	St. Lucie,....	100	30.35	30	35	
28	Dade,.....					
29	Monroe,.....	488	30.35	148	10	" " " "
Total No. Children,		16577		5031	07	Total School Interest.

*In the cases of Counties that made "no report this year," the number of Children is taken from their report made to this office last year.

Owing, I suppose, to the small amount allotted to any one county, but few of them have as yet put our school system into practical operation. With the exception of the Counties of Monroe and Franklin, I have heard of none that have contributed anything from the county treasury for the augmentation of the School-money received from the State. I very much regret the apathy which has prevailed in the public mind on this all important subject. I cannot suggest any alteration of our statute which would render it more practical or better adapted to the condition of our people. A careful perusal of our school law, (approved January 1853,) must enable any board of County Commissioners to understand it, and if they have the means

and the will they can easily put it into operation. Hitherto, the Judges of Probate and county Commissioners have not, I fear, given to this subject the consideration it deserves, or else they have concluded that the means at their command are too small to make even a beginning with. Few persons anywhere, seem to have given the subject much attention. But from certain indications of the Newspaper press, that great luminary of a free country, I trust that a new flood of light is about to be shed on this subject, which will awaken the people to a sense of its importance. Certainly, under our free government nothing whatever can be of more vital importance, than the general education of the people, since upon their intelligence and virtue depends the very existence of our institutions.

At this period of the world, particularly, it is important that our children should be educated. Intelligence, like wealth, is a comparative thing. A man who would have passed as intelligent in the dark ages might be considered very stupid now, and when we consider the great attention that is being paid to education at this time throughout Christendom, we must feel that our children will be compelled to blush for our neglect of them, unless we afford them better means of instruction than we have hitherto done. Our posterity cannot reproach us with any more crying sin than that of having neglected their minds. The wealth we may bequeath our children in lands, slaves, or money, will be comparatively but a worthless boon, if it be not accompanied by the far richer legacy of intellectual treasures, and high moral cultivation. In a free country "Knowledge is Power," and I will add, where the child has been properly educated, knowledge is virtue and wealth also.

Remarks might be protracted on this subject to an almost unlimited extent, but doubtless, your Excellency and the General Assembly being, as deeply impressed with its importance as myself, will give it your most serious and anxious consideration.

INTERNAL IMPROVEMENT FUND.

From the 31st October, 1852, to the 1st November 1854, I have sold of lands belonging to this fund 74,908 89-100 acres, at an average price of \$1 72½ per acre, producing in cash and bonds \$130,765 74-100, of which \$4,840 28-100 were received in the Treasurer's Office, and \$125,925 48-100 in this office. Add this number of acres to the 56,610,80 stated as having been sold at the date of my last report, and it appears that 131,519 69-100 acres is the whole number belonging to this fund that have been sold since the first establishment of this office, producing in cash and bonds the sum of \$228,121 52-100, being an average price of \$1 73¼ per acre.

The following table shows the receipts and disbursements on account of this fund from the 31st October, 1852, to November 1, 1854 :

RECEIVED IN CASH.

From sale of lands being cash payments.....	\$42,514 94
" Bonds given since January 1, 1855.....	8,975 20
" Bonds given prior to " "	1,282 98
	<hr/> \$52,773 12

DISBURSED.

For fixing and repairing office furniture.....	10 00
" Auctioneering.....	50 00
" ½ cost binding books for office.....	18 56
" Rescinded sales.....	317 84
" Postage.....	28 07
" Locating Lands.....	1,045 21
" Appraising Lands.....	847 50
" Printing and Advertising.....	435 31
" Stationery.....	63 83
" ½ Register's salary.....	916 76
" Turned over to Treasurer.....	45,514 98
Balance to credit account unexpended on account of this fund.....	4,025 56
	<hr/> \$52,773 12

RECEIVED IN BONDS.

From sales of land since January 1, 1854.....	\$3,410 54
Deduct amount paid on above bonds as aforesaid....	8,975 20
	<hr/>
Whole amount of unpaid bonds in this office belonging to this fund.....	\$74,435 84

The statement hereto appended, marked [E.] shows the items on account of which the foregoing amounts were disbursed.

During the spring of 1853, I offered all the Lands belonging to this Fund lying in the counties of Jackson, Calhoun, Holmes, Washington and Walton. The unsold Lands remaining in these counties are generally not so good, but yet I have reason to believe, that the most, if not all of them, will before a great while, command the minimum of \$1 25-100, at which they are offered. I think it would be unwise at present to reduce said minimum either as to these Lands or those belonging to the Seminary Fund. The locating agents for the State, who are without exception men of character and intelligence, of course selected the best they could find, and it is not to be presumed that they located many worth less than this minimum.

My great aim in putting prices on these Lands, has been to strike the medium between such high prices on the one hand as will deter persons from purchasing who want the Lands for actual settlement and cultivation, and such low prices on the other hand as will induce persons to buy on speculation only.

Of the 500,000 acres of Land to which Florida became entitled under the act of Congress, of September 4th, 1841, on her admission into the Union, 312,639 acres have been located and approved. The remaining 187,161 acres have been located by the State, but have not yet been approved by the United States, though applica-

tions have long been pending before the proper department at Washington.

As I have before stated, there have been sold of Lands belonging to this Fund, 131,519 69-100 acres at an average price of \$1 73½, producing the sum of \$228,121 52-100. If the remaining 368,480 31-100 acres shall command an average of \$2 00 per acre, which I think they ought to do free of expenses, then the whole cash value of this Fund, when all its Lands shall have been sold, will be \$965,082 14-100.

RECAPITULATION.

Amount cash received on account Seminary fund.....	\$ 7,471 49
" " " " " School fund.....	23,198 70
" " " " " Internal Improv. fund.....	52,773 12
Total amount cash on account all the funds.....	<u>\$82,443 31</u>

DISBURSED.

Cash expended on account Seminary fund.....	\$7,127 47
" " " " " School fund.....	24,375 99
" " " " " Internal Improv. fund.....	48,747 56
	<u>\$80,251 02</u>
Balance between disbursements and receipts.....	\$3,192 29
Balance to credit of cash account at the date of the last year report—See Ledger.....	\$ 931 07
Balance of cash on hand on the 1st November, 1854.....	<u>2,261 22</u>
	<u>\$3,192 29</u>

SWAMP LAND FUND.

The Agents for locating the Swamp Lands have as yet made no Report to this office. I have understood from them, unofficially, that the State will probably receive from this source, about 8,000,000 of acres. I presume said agents will report this winter while the Legislature is in session. When the duty of selling these additional 8,000,000 of acres shall also be confided to this office, it will be absolutely essential to increase its operative force by the allowance of a Clerk, as its duties are already greater than can be conveniently discharged by one individual.

I have the honor to be,

Your Excellency's most

Obedient servant,

D. S. WALKER.

Register &c.

A.

Disbursements on account of Seminary Fund from October 31, 1852, to November, 1854.

1852.

Nov'r. 9.	To cash paid $\frac{1}{2}$ Wm. Wilson & Co.'s account,		
	Stationary.....	\$ 9 44	
			\$9 44

1853.

Jan'y. 1.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1852,	100 00	
Feb'y. 7.	" " " over to Chas. H. Austin, Treas'r,	791 49	
March 7.	" " " " " " " " " "	1,263 17	
April 1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1853,	116 66	
27.	" " " $\frac{1}{2}$ Wm. Wilson & Co.'s account for Stationery.....	2 13	
	28. To cash paid, $\frac{1}{2}$ Geo. & J. Meginniss' account, binding books.....	18 56	
May 12.	To cash paid Jos. Clisby, printing and adv'g,	32 50	
June 6.	" " " over to Chas. H. Austin, Treas'r,	275 00	
July 1.	" " " $\frac{1}{2}$ 2d qr. Register's Salary, 1853.	116 66	
Oct'r. 1.	" " " $\frac{1}{4}$ 3d " " " " " "	116 66	
	3. " " " over to Chas. H. Austin, Treas'r,	623 70	
Nov'r. 7.	" " " " " " " "	360 56	
Dec'r. 5.	" " " " " " " "	381 47	
			\$4,198 56

1854.

Jan'y. 2.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1853,	116 66	
Feb'y. 1.	" " " over to Chas. H. Austin, Treas'r,	665 30	
March 6.	" " " " " " " "	192 00	
20.	" " " D. L. White, for appraising,.....	5 00	
April 1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1854,	116 66	
3.	" " " over to Chas. H. Austin, Treas'r,	333 00	
May 1.	" " " " " " " "	24 94	
June 5.	" " " " " " " "	245 05	
July 3.	" " " " " " " "	171 50	
	" " " $\frac{1}{2}$ 2d qr. Register's Salary, 1854,	116 66	
August 7.	" " " over to Chas. H. Austin, Treas'r,	224 17	
Sept'r. 4.	" " " " " " " "	519 12	
Oct'r. 3.	" " " " " " " "	72 75	
	" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1854,	116 66	
			\$2,919 47
Total amount Disbursements.....			\$7,127 47

C.

Disbursements on account of School Fund from October 31, 1852, to November 1, 1854.

1852.

Nov'r. 9.	To cash paid $\frac{1}{2}$ Wm. Wilson & Co.'s account,		
	Stationary.....	\$ 9 44	
Dec'r. 20.	To cash paid over to Chas. H. Austin, Treas'r,	1,700 00	
			\$1,709 44

1853.

Jan'y. 1.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1852,	100 00
Feb'y. 7.	" " " over to Chas. H. Austin, Treas'r,	4,500 00

Feb'y	7.	Amount brought forward,.....	\$4,660 09
March	7.	To cash paid over to Chas. H. Austin, Treas.	3,014 07
April	1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1853,	116 66
	4.	" " " over to Chas. H. Austin, Treas'r,	1,768 40
	27.	" " " $\frac{1}{4}$ Wm. Wilson & Co's account for Stationery,.....	2 13
	28.	" " " $\frac{1}{4}$ G. & J. Meginnies' account for book binding,.....	18 56
May	2.	" " " over to Chas. H. Austin, Treas'r,	540 31
	12.	" " " Jos. Clisby's account for pri'g &c,	38 50
June	6.	" " " over to Chas. H. Austin, Treas'r,	427 89
July	4.	" " " " " " " " " " " "	2,089 45
		" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1853,	116 66
	9.	" " " W. W. Tumblin, apprais'g lands,	10 00
Aug't	1.	" " " over to Chas. H. Austin, Treas'r,	237 68
Oct'r	1.	" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1853,	116 66
	3.	" " " over to Chas. H. Austin, Treas'r	414 73
	14.	" " " Gaines & Royal, for advertising,	3 00
Nov'r	7.	" " " over to Chas. H. Austin, Treas'r,	376 83
Dec'r	5.	" " " " " " " " " " " "	718 69
			<hr/> \$14,606 21
1854.			
Jan'y	2.	To cash paid $\frac{1}{4}$ 4th qr. Register's Salary, 1853, \$	116 66
	3.	" " " over to Chas. H. Austin, Treas'r,	1,435 02
	4.	" " " to A. M. Randolph, on account,	100 00
	11.	" " " " " " " " " " " "	100 00
	19.	" " " to Hopper & Gilmer on account cancel'n of 16th Sections in Escambia County,*.....	368 51
* Bills receivable, 3 notes returned on same account to Hopper & Gilmer, as above,.....			993 07
Jan'y	24.	To cash paid A. M. Randolph, for select'g, &c,	348 69
March	6.	" " " over to Chas. H. Austin, Treas'r,	1,282 20
	27.	" " " O. M. Avery for expenses, per account,.....	8 00
	30.	" " " A. Marzori, for advertising,.....	10 00
April	1.	" " " $\frac{1}{4}$ 1st qr. Register's Salary, 1854	116 66
		" " " over to Chas. H. Austin, Treas'r,	460 91
May	6.	" " " W. G. Moseley for appraising, on account,.....	100 00
	23.	" " " John McNeally, for advertising,	9 00
June	9.	" " " M. K. Andreu, auctioneer'g 16ths,	5 00
		" " " W. W. Tumblin, for same,.....	5 00
	10.	" " " W. G. Moseley in full for appr'g,	107 94
		" " " Geo. H. Smith, auctioneer'g, &c,	20 00
	30.	" " " O. E. Dyka, for advertising,....	28 00
July	3.	" " " over to Chas. H. Austin, Treas'r,	2,692 06
		" " " $\frac{1}{4}$ 2d qr. Register's Salary, 1854,	116 66
	8.	" " " J. R. Haddock, for appr'g 16ths,	184 10
	12.	" " " Savannah Republican, for adv'g,	53 75
Sept.	4.	" " " over to Chas. H. Austin, Treas'r,	129 67
Oct'r	3.	" " " " " " " " " " " "	146 85
		" " " $\frac{1}{4}$ 3d qr. Register's Salary, 1854,	116 66
			<hr/> \$ 9,064 43
Total Disbursements,.....			<hr/> \$25,200 09

E.

1852.

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"	8.	To cash paid Commercial Advertiser, adving.	22 00
"	18.	" " " M. Nash, postage in full.....	3 70
"	25.	" " " Pensacola Gazette for advorting,	17 00
Aug.	1.	" " " over to Chas. H. Austin, Treas'r,	1,261 51
Sept.	5.	" " " " " " " " " "	3,776 06
Oct.	1.	" " " $\frac{1}{4}$ 3d qr. Register's salary, 1853,	116 68
"	8.	" " " over to Chas. H. Austin.....	4,729 98
"	8.	" " " M. Nash, postage acc't to 1st inst.,	6 83
"	"	" " " J. McDougal, acc't as per rec't,	2 59
"	31.	" " " H. Wells, balance acc't for locatig.	484 46
Nov.	7.	" " " over to Chas. H. Austin, Treas'r,	8,541 05
Dec.	5.	" " " " " " " " " "	3,238 06
			<hr/> \$33,657 31

1854.

Jan'y	2.	To cash paid $\frac{1}{4}$ 4th qr. Register's salary, 1853, \$	116 68
"	3.	" " " over to Chas. H. Austin, Treas'r,	1,118 98
"	9.	" " " Jos. Clisby, printing, advertising,	
		and binding.....	108 50
	17.	" " " M. Nash, postage account to date,	4 81
	20.	" " " J. B. Allen, on account of rescind-	
		ed purchase, May 26, 1852, Act	
		Legislature, Dec. 29, 1852.....	48 12
Feb'y	1.	" " " over to Chas. H. Austin, Treas'r,	1,230 00
"	6.	" " " M. Nash, for postage stamps....	1 00
"	7.	" " " Jno. McDougal, account of 1853	
		and 1854 to this date.....	37 12
March	1.	" " " S. B. Todd, on account rescinded	
		sale.....	83 16
"	6.	" " " over to Chas. H. Austin Treas'r,	2,130 12
"	15.	" " " W. H. Horton, on account rescind-	
		ed sale.....	65 40
"	18.	" " " N. A. Long, on account rescinded	
		sale.....	95 94
April	1.	" " " $\frac{1}{4}$ 1st qr. Register's salary, 1854,	116 68
"	3.	" " " over to Chas. H. Austin, Treas'r,	1,103 44
"	"	" " " M. Nash, postage acc't to date,	2 55
"	6.	" " " A. M. Randolph, for selecting land,	300 00
"	22.	" " " S. B. Todd, balance due him on	
		account of cancelled sale, see re-	
		ceipt of date.....	17 47
"	26.	" " " Woodruff & McNeil, acc't for ink,	3 50
May	1.	" " " over to Chas. H. Austin, Treas'r,	1,153 48
June	5.	" " " " " " " " " "	2,001 37
"	8.	" " " M. Nash, postage stamps....	1 00
"	17.	" " " G. T. Townsend, for chairs.....	4 50
July	3.	" " " $\frac{1}{4}$ 2nd qr. Register's salary, 1854,	116 68
"	"	" " " over to Chas. H. Austin, Treas'r,	919 94
"	5.	" " " M. Nash, postage acc't to 3d inst.,	3 11
Aug.	7.	" " " over to Chas. H. Austin, Treas'r,	1,065 83
Sept.	4.	" " " " " " " " " "	1,341 21
"	5.	" " " Henry Cook, making curtains for	
		office.....	75
Oct.	8.	" " " $\frac{1}{4}$ 3rd qr. Register's salary, 1854,	116 68
"	"	" " " over to Chas. H. Austin Treas'r,	1,421 40
			<hr/> \$14,679 42
Total disbursements,.....			<hr/> 48,747 56

B.

REPORT OF BOARD OF EDUCATION E. F. S. S.

I herewith enclose, and transmit to you by mail, an Account Current with the East Florida State Seminary for the years 1853 and 1854, accompanied by an Address from the Board of Education, also my own Report. (I take occasion here to state that the Board of Visitors who were appointed and invited did not visit the Institution, consequently it loses the advantage of their reports.)

All of which is most respectfully submitted.

JOHN M. McINTOSH,

Judge of Probate M. C. & ex-Officio Sec. B. E. E. F. S. S.

ADDRESS.

OCALA, Fla., Nov. 6th, 1854.

Honorable Sir :—The board of Education for the East Florida State Seminary, in submitting their report to you, feel it a privilege, as well as a duty, to accompany that report with such opinions and suggestions as to them seem pertinent and legitimate, as coming from those whose duty it has been made to act as guardians over the beginning, the progress thus far, and the well being of this magnificent scheme of Education, in East Florida, by a wise and far seeing legislation, hoping if any stray thoughts worthy of treasuring up and presenting to the present Legislature, should occur in this address, you will take pleasure in clothing it in your own happy language, and made thus captivating, embody it in your own address to that august body.

As a supporter, a supervisor, and a dear lover of Education, in its inception, its progress, and its perfection, in all its efforts, however humble, or however magnificent and well matured, we can look to you confidently for sympathy, encouragement and support. You can appreciate the many difficulties and draw-backs any scheme of Education must encounter in a country just merging from a state of wilderness, where the people have met together to form society, and have come from various States, mostly strangers to each other, and having but little in common; where, too, other and most serious difficulties rise up in the path of all, where their means are necessarily exhausted in procuring homes, habitations, and the necessities of life—when a deep desire in many to Educate their children is almost crushed out, by the want of ability—where the population on which a school depends is scattered over a large extent of Territory, and but few are prepared to accommodate the willing and able with board; and you, with your practical good

sense, can see how such adverse circumstances must necessarily retard the progress of a State Seminary, if the trustees, imbued with a worthy state pride, should deem it proper to assemble, as a faculty, the best talent and practical ability, by the only possible means, the offering salaries that will command such talent and practical ability. And last of all, you can appreciate the embarrassments of this board in administering the affairs of this institution, under all these trials, and with no previous experience. The scheme as laid out by the act establishing this Seminary, and a similar one, west of the Suwannee, is a grand one—a scheme of which any State in the Union might be proud—a model for the world; and were the means commensurate with the plan, might be readily reduced to practice, and one that this board would feel forever honored in being the first entrusted with its execution.

The General Government has exhibited a parental care and praiseworthy munificence in bestowing upon the State so large a bounty for seminary purposes, and the State, taking into consideration its peculiar shape, has exercised a sound judgment and a wise policy in dividing that fund and creating two seminaries in place of one; and the programme of these Seminaries are the certain foot-prints of a master mind. But the available means are inadequate to the proper beginning, and laying out of its practical application in a region so sparsely settled and so fettered with hardships, and scarcity of money. And yet the few that are here need this means of education, and the children of our State must not be allowed to grow up in even partial ignorance, nor be forced to seek the completion of their education in other latitudes until the accumulated fund shall have proved sufficient to begin the plan and carry it out in all its beneficial details. Better have only established one Seminary and that on a less costly plan. But who, being a Floridian, upon studying the geography of our State and reviewing the plan of our Seminaries, would consolidate or abate one jot or tittle of the mighty scheme?

There is a means in the power of the Legislature to remedy the defect, and to set the whole machinery to work in due time. A proper State pride, and a little nerve would speak the means into existence. Could ever a people be taxed for a holier purpose than for the education of their children? Even this is not indispensable.—The State is entitled, by donation, to a large amount of valuable land, partially submerged, capable of being cheaply reclaimed. A portion of this could not be more sensibly appropriated than by setting apart a sufficiency of it to endow these Seminaries liberally, and to supply the present need, a loan might be granted to the respective boards of education of sums sufficient to supply all the usual appendages of high Seminaries of Learning; such as Philosophical, Chemical and Astronomical apparatus, Library, Globes, &c. These paraphernalia of colleges are indispensable as among the means of in-

viting such students as were in the main, contemplated to be educated in these Colleges or Seminaries.

As the State appropriations became funded and money realized, the principal might be restored, or if the State should not feel that liberality and pride which would prompt a donation, the loan might be granted, and a sufficiency of the interest withheld annually, to re-establish the principal in four or five years. When the Seminaries were once provided with all the faculties of imparting a liberal education, and the country had settled up and been relieved in a great measure of its embarrassments, then the Seminaries would not only be able to pay their own way, but be able to add something to the means necessary to carry out the entire plan of the wise originators of the scheme. Without some such timely aid, the Seminary in East Florida must retrograde in character, or suspend operations until the sum due it becomes adequate to its necessities. With these few suggestions, we trust our cause into your care and honorable keeping, and subscribe ourselves

Friends and obedient servants,

LEWIS C. GAINES, President,
WM. ROYALL, }
W. S. HARRIS, } Board of
J. M. McINTOSH, } Education.

To Honorable D. S. WALKER, State Superintendent of Common Schools, Tallahassee, Florida.

The Board of Education for the East Florida Seminary, employed for the year 1853,

As Principal, S. S. BURTON,
Male Assistant, Dr. J. F. MOWE.
Female Assistant, Miss LAURA CHAMBERLAIN.
Teacher of Music, Miss P. L. A. UNDERWOOD.

And considering it rather an experiment, thought it advisable to allow as salaries for said Teachers, the interest of the State Fund for one year together, with the tuition.

The Principal, Mr. S. S. Burton, failed to report in accordance with the instructions of the Board, the number of scholars attending the school, the amount of tuition, and the studies pursued in the Institution. It is consequently not in the power of the Board to state certainly and have to rely upon a verbal report of the Principal, that the number of scholars in attendance during the year was varying from sixty to ninety. This tuition amounted to \$1,400. The studies pursued were Reading, Writing, Arithmetic, Natural Philosophy, English Grammar, Geography, Drawing, and Music, and a small class of beginners in Latin.

The school commenced well, but the Principal becoming unpopu-

3App

lar, and having been indiscreet, it closed inauspiciously and before the end of the year.

The Board of Education of the East Florida State Seminary, employed for the year 1854,

As Principal, J. G. BOWMAN, A. M.
Male Assistant, A. F. GOULD, A. M.
Female Assistant, Miss VIRGINIA E. BAUGHAN,
Teacher of Music, Miss R. L. ROGERS.

This year there was some difficulty in getting started, from the fact of the teachers not having arrived until the last of January. This delay had caused several scholars to go to other Seminaries, and in fact caused the getting up of some county schools which carried off some who otherwise would have attended our institution. Another draw-back upon the institution was the difficulty under which it closed last year, difficulties which could not have been foreseen nor prevented, such as any institution or all are liable to.

Of course I cannot tell what the school will net in the way of tuition for the last session of this year, but have a right to judge it will net more than the first session. Last session there were in attendance about 70 students, studying from Spelling to Latin. 12 young ladies take lessons in Music. This session there is in attendance about 65 students, studies about the same. The Board, in consideration of this being a State Institution, have reduced somewhat the rates of tuition as compared with schools of similar grade. Annexed, please find the rates as assessed by the Board:

Spelling, Reading, and Writing, per Session, (5 months,)	\$6 00
Primary Arithmetic & Geography, together with the above,	\$8 00
Arithmetic, Geography and English Grammar, together with the above,	\$10 00
The Natural Sciences and History together with the above,	\$16 00
The higher branches of Mathematics, the Classics and Moral Philosophy, together with the above,	\$29 00
Piano Music (Extra) per session	\$20 00
Use of instrument per session,	2 50

No scholar admitted for a less term than one session nor any deduction made for loss of time, except from sickness.

Persons filing a declaration of intention to become teachers in the State of Florida, at the discretion of the Board of Education, will be admitted free of tuition fees.

By order of the Board.

LEWIS C. GAINES, President,

J. M. McINTOSH, Sec'y.

East Florida State Seminary, in Account.

1853.					DR
Nov. 23.	To salary of S. S. Burton, Principal.....	\$1,400	00		
" "	" " J. F. Mowe, Assistant.....	700	00		
" "	" " Laura Chamberlain, Ass't.....	358	85		
" "	" " P. L. A. Underwood, Music Teacher.....	358	85		
" "	" account S. S. Burton.....	359	87		
1854.					
April 12.	" cash paid Mrs. Helvenston.....	50	00		
" "	" "	10	00		
Oct. 9.	" " Gaines & Royall, Printers.....	15	00		
" "	" " Savannah Georgian, "	5	00		
" "	" " Wm. H. Royal, "	28	88		
" "	" Salary of J. G. Bowman, A. M., Principal,	1,500	00		
" "	" " A. F. Gould, Assistant.....	1,000	00		
" "	" " V. E. Baughan, "	450	34		
" "	" " R. L. Rogers, Music Teacher,..	600	00		
" "	" purchase of Stoves.....	148	66		
" "	" Treasurer's commissions.....	120	00		
" "	" per diem of Board of Education.....	98	00		
					<hr/> \$7,210 95
1853.					CR
Jan'y 15.	By contributions as bonus.....	\$1,600	00		
Nov'r 11.	" Draft of State Treasurer.....	966	80		
Dec'r 1.	" Tuition, (about).....	1,400	00		
1854.					
Jan'y 1.	By Draft of State Treasurer.....	700	00		
Sept'r 8.	" " " "	741	29		
Oct'r 1.	" Tuition 1st Session 1854.....	413	55		
Nov'r 6.	" Balance down.....	1,889	91		
					<hr/> \$7,210 95

No. II. 7

REPORT OF STATE ENGINEER & GEOLOGIST.

OFFICE OF STATE ENGINEER, }
PALATKA, FLORIDA, November 12, 1854. }

To His Excellency, JAMES E. BROOME,
Governor of Florida:

SIR:—Accompanying this I have the honor to enclose to your Excellency, a "General Report" of my proceedings as State Engineer since the creation of the office. Also my Report on the "Reconnoissance of the Pensacola and Georgia Rail Road route," marked [A.] Also, Report "on the practicability of connecting the waters of the St. Johns with those of Indian River by a navigable canal," for the information of the General Assembly, marked [B.] All of

which I hope will meet with your and its approval. The maps to accompany this report are not quite completed, but will be in readiness, and handed to you in person by me, by the 4th proximo.

I have no report to make on the Florida, Atlantic and Gulf Rail Road route, as I was informed by the President of said Company, (when I reported to him for duty,) that the company were not yet prepared to act on the matter, and requested that I would postpone making the reconnoissance for the present.

On the subject of the Geology of the State, I have made no report, from the fact that the General Assembly failed to specify any duties or make any appropriations to defray any expenses incurred in reference to the matter. Consequently nothing has been done by me, except to obtain specimens of soils and minerals from the various localities, (where marked changes were perceptible,) visited by me in the performance of the duties of Engineer.

I remain very respectfully, sir, your obedient servant,
F. L. DANCY, *State Engineer, &c.*

GENERAL REPORT.

—
OFFICE OF STATE ENGINEER, }
PALATKA, FLORIDA, November 1st, 1854. }

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In compliance with the Act of the General Assembly defining the duties of State Engineer, I have now the honor to Report my proceedings since my acceptance of said office on the 2d day of February, 1853.

Immediately on the receipt of my Commission and qualifying, I addressed a communication to the late Governor Brown, who then occupied the Gubernatorial chair, asking for instructions and for the means necessary to procure instruments to enable me to perform the duties assigned me by the General Assembly. In his reply, dated February 15th, 1853, he informed me, "That there had been no appropriation made by the General Assembly for the purchase of instruments, and that he had no fund at his disposal that could be applied to said purpose; and moreover, that he had nothing to do with the State Engineer, other than to approve of certain acts." Under this state of the case, I determined to call together the Board of Internal Improvement, to consult with them in regard to the duties appertaining to the office; which was done by letter to each member of the Board on the 12th day of May, 1853, requiring them to meet at the town of Palatka on the 7th day of July, 1853. When the time arrived but one member, Mr. Paul McCormick, appeared, and after waiting for two days and finding no others were likely to attend, I adjourned over the meeting till further notice. As a very im-

portant portion of the duties assigned by the General Assembly to the State Engineer was, "that of examining and surveying the swamp and overflowed lands belonging to the State," I turned my attention to them, and with that view, addressed the Register of State Lands on the subject, who replied under date 16th April, 1853, "That he had neither lists nor diagrams of the swamp or overflowed lands, and that no return in any way had been made to his office." Having finally ascertained from the Comptroller that my draft on him for the purchase of Instruments would be accepted, and having procured them by the last of September, 1853, I determined on visiting the members of the Board of Internal Improvement in their respective districts; they with the State Engineer being a competent board to determine upon and recommend plans for the reclamation of swamp and overflowed lands, and plans for local works of Internal Improvement for their respective districts. In pursuance of this resolve, I held a conference individually with the members for the Eastern district, and appointed a day to meet them together, one of whom failed to attend on account of sickness. I then proceeded to the Middle district, and after consulting with the member from said district, the conclusion arrived at was—"that there was nothing on which they could act under the laws as then existing, and in the then situation of the swamp and overflowed lands." I then deemed it useless to proceed any further west and returned home. In the meantime, I had taken steps to procure the field notes from the Surveyor General's office at St. Augustine of such Swamp and overflowed lands as have been selected and approved by him, to enable the Internal Improvement Board and myself to act knowingly in relation to them, so far at least as those notes were to be relied on.

On the 10th January, 1854, the instructions from your office were received, requiring me to proceed to Tallahassee to consult with yourself and the President of the Pensacola and Georgia Railroad Company, with the view of making a reconnoissance of the country through which said Road was contemplated; more particularly with a view to its Eastern terminus. The result of said reconnoissance from the Apalachicola River to the waters emptying into the Atlantic is herewith communicated, marked [A.] In reference to the Eastern terminus, my views were communicated under date 31st March, ultimo.

Your instructions dated November 29th, 1853, "requiring me to examine and report on the practicability of connecting the St. Johns with Indian River by a navigable canal," were entered on as soon as my arrangements could be made, after completing the reconnoissance of the Pensacola and Georgia Railroad. Deeming it advisable to connect with this examination another ordered by Resolution of the last General Assembly, to-wit: "The examination and survey of the practicability of draining the St. Lucie Savannah," and the distance to the extreme point of these examinations being near two hundred

miles from the head of navigation on the St. Johns River, required more labor and expense in travelling the distance than in the actual work to be done. After reaching the scene of operations, owing to the unsettled state of the country, and the uncertainty of obtaining either hands or subsistence, it became necessary to take them from the settlements—there being over 100 miles, without roads or settlements. My Report on the Canal is herewith communicated, marked [B.] That on the drainage of the St. Lucie Savannah was transmitted on the first day of August, 1854.

The above comprises a brief summary of the service performed by me since entering on the duties of State Engineer.

Before closing this report, I feel it due to myself to state, that owing to the insufficiency of the laws passed by the last General Assembly, and to the further fact, that the office of State Engineer was created at least two years before there was any actual necessity for it, so far as the examination and survey of the swamp and overflowed lands of the State were concerned, as even up to the present time they are not in a situation such as to enable the Engineer and Board of Internal Improvement to act in reference to them. The time however, is now at hand when these lands will be fully under the State's control; when the duties of State Engineer will be very arduous, and his services all important, to protect the State from the artful schemes of interested parties, and from engaging in expensive and ultimately ruinous expenditures for works called improvements; which, when made, after incurring heavy expenses, will prove of little or no value. I doubt not, with judicious management, the fund ultimately to be derived from the swamp and overflowed lands that will enure to the State, will be a large one, but by no means what many enthusiasts may suppose, from the number of acres that will probably revert to the State. There will be portions, and large ones, of the overflowed lands, such for instance as the Bottoms or Prairies of the upper St. Johns, that will be immensely valuable at no distant day, as I am fully convinced that large portions of them may be reclaimed with a moderate outlay, by the enterprise and energy of private capitalists, should such a policy be adopted by the State, as to encourage capital to seek investments in that line. When once reclaimed for sugar, rice or corn, they will compare favorably with the best Mississippi bottoms. They are generally from $1\frac{1}{2}$ to 3 feet above the ordinary level of the water in the river, covered with the maiden cane grass, from 5 to 10 feet in height, and sufficiently firm for stock to travel over them—of a dark vegetable loam, mixed with shell of various kinds, principally muscles and perriwinkle, and in many places thousands of acres might be diked in by simply running three dams, one on the bank of the river, and two others back to high land—these dams are not required to be high, as the river seldom rises more than 3 to 5 feet.

There are doubtless similar Lands in other portions of the State that might be reclaimed with equal facility, and it will be the duty

of the members of the Internal Improvement Board to bring all such in their respective Districts to the notice of the Board, and then through the Engineer to that of the General Assembly, if of sufficient importance for its action.

I also feel it incumbent on me to say a few words in reference to a general or State system of Internal Improvements. In this connection, I deem it not only necessary that we should look to our own immediate convenience, but if compatible, that we should combine with it the accommodation of neighboring States, and the commerce and travel of the whole country, in order to render such a system profitable to the State, as also individual Stockholders. It is certain that there is no settled portion of this great republic so little known and so much abused and misunderstood, as our own State of Florida. And why is it? The answer is plain and simple. It is for the want of good roads, affording safe, certain and speedy means for the traveller to visit its various sections, which embrace every climate known to the Middle and Southern States of this Union, as also that of Cuba and the West Indies. Its productions are as various as its climate, from the most hardy plants to those confined peculiarly to a tropical climate. It is my opinion that these objects may be accomplished, and all portions of our State placed within a reasonable distance of Railroad or Steam Boat transportation, for a sum small in comparison to that of any State in the Union.

To accomplish this end, the first inquiry is, has the State of Florida any sea port or tributary of the Atlantic, to and from which foreign commerce can be carried on? To this, I answer in the affirmative. It has one, and but one. This is to be found on the east side of the Amelia River, and on the west side of Amelia Island. The outlet to the sea from which has, at low water, 18 feet on the Bar; and an average rise of tide of six feet, with thirty feet water up to the Bay in front of the Island, with a harbor completely land locked. I would therefore recommend a system of Railroads for the State, to commence or have their termini at this point. 1st. A Road from this point, to terminate at one of the Cedar Keys. This would be mainly for the through travel from the North to California, and from the Gulf for the North, as also much of the Gulf commerce. Some forty-five miles of this Road can, without any loss of distance, be made common to two other Roads. The one to the west, to terminate at Pensacola, and the other to the South to terminate at Tampa Bay or Charlotte Harbor. These two Roads, as the necessities of the State required it, could be connected either by short branch railroads to the right and left of their respective routes, with all the important settlements and towns, both inland and on the Gulf, with distances varying from 5 to 20 miles. The western route would nearly equally divide the middle and western districts, and the southern route would divide nearly equally the peninsula between the Gulf and St. Johns river, placing almost every settler in any portion of these districts, within 20 miles of either railroad or steamboat

navigation. The country south and east on the peninsula, even as far south as Cape Florida, require but twelve miles of Canal to give them water communication for some 400 miles inland. Where, let me ask, is the country that would be so blessed with facilities for intercourse with the world as we would be, and at an outlay so inconsiderable, when compared with the outlay of other States and communities. These works might all be accomplished in a few years, by the aid of the State Internal Improvement Fund, and the swamp and overflowed lands, and by the aid of private subscriptions. I hope to see some action of the General Assembly at its present session, in regard to these measures, and that it will not allow the funds of the State to be frittered away on mere neighborhood and strictly local projects. Hoping sir, the above views may meet with your approval, and those of the General Assembly,

I remain respectfully, sir,

Your obedient servant,

F. L. DANCY,

State Engineer and Geologist.

[A.]

Reconnoissance of Pensacola and Georgia Rail Road.

OFFICE OF STATE ENGINEER, }
 PILATKA, FLORIDA, August 20th, 1854. }

To His Excellency, JAMES E. BROOME,

Governor of Florida :

SIR:—Your instructions dated "Executive Office, Tallahassee, January 2nd, 1854," requiring me to "proceed to Tallahassee for the purpose of conferring with you fully in regard to the Reconnoissance of a Railroad route from Tallahassee or the Apalachicola River to the mouth of the St. Mary's River, and also the St. John's, under the charter of the Pensacola and Georgia Railroad," were received by me on the 12th January, 1854. My arrangements were soon made and on the 20th I started for the seat of Government, where I arrived on the 31st January, and after a full conference with yourself and Col. Whitner, the President of the Pensacola and Georgia Railroad Company, and receiving instructions from the latter in regard to the wishes of the Company, I proceeded at once with my examination: and as my instructions required the city of Tallahassee should be a point in the route, it became necessary from the broken and hilly nature of the country in its vicinity, to ascertain the most advantageous route for the road in its approach and departure from the city.

After a critical examination and full inquiry of those best acquainted with the country in the vicinity of the city, I became satisfied

that the least expensive and most feasible approach from the East, would be up a valley leading from the western end of Lake Lafayette to a depression in the Ridge east of the city. This depression lies between Miller's plantation and Shine's Brick-yard, and leads into the valley of the St. Augustine Branch. From thence there are two routes that suggest themselves, one following the side slope of the valley of St. Augustine branch to the southward, with gentle curvatures to the vicinity of the St. Mark's Depot, and thence up said valley to the Quincy Road, thence to a depression in the St. Louis Ridge some 300 yards south of the Quincy Road; or 2dly. From the depression in the ridge east of Tallahassee, directly across the valley of St. Augustine creek, and through the street leading east and west by the Jail, to a valley west of the present settled portion of the city, and a very suitable place for a depot; thence to the western limits of the city, thence through the first ridge west of the city, with slight cutting for $\frac{1}{4}$ of a mile, and striking the Quincy Road at the corner of Mr. Fisher's plantation, thence to the same depression in the St. Louis Ridge as the first route, thence to the Jackson Bluff Road in the neighborhood of Dabney's. This last route would be nearly direct, but would require a heavy embankment and Bridge across the St. Augustine branch valley, and a cut of some 30 feet in depth through the Ridge on which the city is mainly built. But, upon the whole, I should give it the preference in consequence of the saving of distance and the avoidance of curves. From the Jackson Bluff Road near Dabney's, following near the Road over a level and favorable country around the south end of Gum Swamp, and near the base line thence up the valley of Poly branch to the table land near Mr. J. Hale's residence, thence over a flat country, leaving Mr. Rawl's to north, (12 miles from Tallahassee,) the route being a nearly dead level until you reach Pork creek near Fort Braden. This valley is about 400 yards wide, and would require an embankment or trestle-work 30 feet high in the highest part, and a bridge or culvert of forty feet span, thence the country continues nearly level to near Cashe's Landing, on the Ochlocknee River, where there is a favorable crossing—having a high bluff on the east side, with a bridge 150 feet long, and thence by trestle-work 12 feet high for 300 yards, and thence an embankment eight feet high for 600 yards to the high pine woods on the west side of the River. This crossing is about $\frac{1}{4}$ of a mile south of the base line, thence the route continues over a slightly undulating country near J. Bradwell's & Bradshaw's dwelling's, keeping on the Black Jack Ridge separating Bear Creek and Ochlawahaw creek, the general course being about North 50 deg. West, until we strike the 3 Notch Road from Tallahassee; at 41 miles from Tallahassee on said Road, the route passes through the gap between Cany, Rocky Comfort, Bear Creek, Tolugee and Ochlawahaw creeks, thence the route follows down the Tolugee valley and crosses below its junction with Mule

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creek, (and distant about ten miles from Rock Bluff on Apalachicola River), thence over a rolling Black Jack and sandy country to the Apalachicola river, where it is two hundred yards wide between its banks, with high Rock bluff on the east side and a low swamp on the west, $\frac{3}{4}$ of a mile wide and covered at high water to the depth of 8 feet. There is plenty of lime-stone rock at this point suitable for building purposes; the depth of water in the channel is ordinarily 30 feet, the water rising in the highest freshets about 20 feet. This point may be approached from the Table Land to the east by a valley descending towards the river for $\frac{3}{4}$ of a mile, thence a cut thro' a narrow ridge 150 yards long by 30 feet deep, to another valley leading quite to the River. This point is some eight miles north of the Base Line, and in a good position for continuing the route westward through the fertile and populous portion of Jackson county. This is a very favorable route the whole distance from Tallahassee, say 45 miles, with few natural obstacles to contend with, and but little horizontal curvatures. It however passes through generally a poor and sparsely settled country. At Ochesee, $1\frac{1}{2}$ above Rock Bluff, the lowlands on the east side are some 800 yards wide, and on the west about 600 yards wide, and subject to the same depth of overflow as those at Rock Bluff on the west side. This being the limit of my instructions westward, I retraced my steps following the 3 Notch Road to Mule Creek, and thence diverged more northwardly with a view to find a more central route through the rich and populous portion of Gadsden County. The first obstacle on this route is Mule creek, where a dam or embankment 400 yards long and 10 feet high, with a bridge of 40 feet span, will be required; thence leaving the road and passing over a favorable country to the Tolugee, which is crossed below the junction with the Tallahassee branch and Yon Creek near Edenfield's, requiring trestle-work for $\frac{1}{2}$ mile and a bridge with 40 feet span and twenty feet high, will take us to the Table Land leading to Rocky Comfort Creek, leaving the Bethel Church west of Tolugee $\frac{1}{2}$ a mile south, as also Smith's, Thomas', Picketts' and Worthington's, to the south, and following down a valley leading into Rocky Comfort Creek, a little north of Lipford and McCall's, and descending into the valley of Rocky Comfort Creek, crossing several deep ravines to the bottom lands, requiring an embankment some 600 yards long, with a bridge 60 feet span; thence up a valley leading South-East at an ascent of 60 feet per mile for $\frac{1}{2}$ mile, passing between Mr. Meacham's and Dr. White's to the top of the ridge, thence leaving Mrs. Lines' mill $\frac{1}{2}$ mile to the south, winding around the slope of the hill at a grade of 40 feet per mile to the table land between Lynes' mill creek and Little River, crossing the Road from Quincy to Jackson Bluff five miles from the former place—thence a cut through a ridge 200 yards, twenty feet deep to the head of a valley leading East, to Little River, $\frac{1}{2}$ mile above the lower bridge, and in descending at 40 feet per mile, passing through Alston's plantation to the valley, requiring an embank-

ment $\frac{1}{4}$ mile long and 20 feet high, and a bridge 150 feet long—thence an ascent 40 feet per mile for $\frac{1}{2}$ mile, to top of Ridge between Little River and Munroe's Mill Creek with $\frac{1}{2}$ mile cutting, twenty feet deep; thence near the Quincy road to the valley of Munroe's Mill Creek, with a descending grade of 40 feet per mile, and requiring tressle-work 300 yards long and twenty feet high, and bridge 100 span; thence by a valley running East, at an ascending grade of 40 feet per mile, for $\frac{1}{2}$ of a mile, to a ridge (4 miles from the Ocklocknee River, at the Bridge,) thence following a valley on the north side of the Road, to the River, or leaving the 3 Notch Road 4 miles west of the Bridge, and pursuing a course about east to the Ocklocknee, at Munson's Mill; thence following up a valley, and striking the Base Line about one mile east of Joe Hales' residence, and not far from the head of Poly branch; thence on to Tallahassee, as described above. In reference to the portion of country lying west of Tallahassee to the Apalachicola River, I must remark that the route examined following in the immediate vicinity of the base line to the Tolugee, and thence diverging to Rock Bluff, is unquestionably the most direct route, and requiring fewer horizontal curves, and less deep cutting and embankment, as also less bridging and culverts, than any other through that section of country, passing generally through rather a level country, and on the dividing ridge between the streams emptying to the north into the Ochlocknee and those which fall in lower down. On the upper route examined by me through Gadsden county, from the numerous creeks and rivers through that section, rising west and north near the Georgia Line, and running generally a South or South-East course, with no leading valley or ridge of any extent in a direction eastwardly, there would be much heavy cutting and filling, with a great deal of horizontal curvatures, as well as much bridging. The valleys of all the streams to be crossed between the Apalachicola and Ocklocknee on this route, are very deep, such as Mule Creek, Tolugee, Rocky Comfort, Line's Mill Creek, Little River, Munroe's Mill Creek, and a number of deep ravines, would render the construction of a road through that immediate section very expensive, and would require a very careful and minute Instrumental survey before the route could be definitely located. It would certainly be much more beneficial, however, to the planting interests of that county, to have the road through that portion of it. At the same time I am free to say, that for a general highway for travel, as also for commercial purposes, the most direct route between the extreme points, should as a general rule be adopted.

From Tallahassee Eastwardly, the route would pass through a depression in the ridge East of Tallahassee, and a little South of Shines, Brick-Yard, with a gentle grade to the Western end of the valley of Lake Lafayette, thence along said valley to its Eastern limit $\frac{1}{2}$ mile North of the Cross Roads from Tallahassee to St. Marks, at 10 miles from the former place; thence over a favorable

country near St. Augustine road, to Roache's X Roads, 13 miles from Tallahassee, keeping near the base line to the vicinity of Geo. W. Jones' Mill; thence a little South of the base line, crossing the sinking branch of St. Marks River, to the valley of a branch of St. Marks coming from the North-East with a gentle slope; thence into another valley running East, and passing a little North of Col. Gadsden's and Octavius Gadsden's residences, to the base line on a ridge near Gales, thence following the base line through Cuba Swamp, ($\frac{1}{2}$ mile, depth of water 5 feet,) to the Pinhook Road, (one mile North of Wakeena or Marion X Roads,) thence through a valley leaving Mrs. Houston's to the South, down to Gorman's Old Mill Site; thence over a rolling country with gentle grades and moderate curves to Long's Branch; thence along the base line through a swamp $2\frac{1}{2}$ miles to the flat woods of the Ocilla, thence through several swamps from $\frac{1}{4}$ to half mile in width, and crossing two creeks, one 100 feet, the other 400 feet wide, to Walker's Bridge on the Ocilla River—or by passing North of base line, after leaving Long's branch, over a rolling country and striking the Ocilla at Harrison's bridge, where there is a favorable crossing—requiring a Bridge 100 feet long and trestle work 10 feet high and 200 yards long, to high pine land on the West side—on the East side is a bluff 20 feet high up to the River; thence through a favorable valley passing through Harrison's plantation and a little South of the base line, and crossing the Hickstown slough, with a bridge 200 feet long, near the road to Madison Court House, through a rolling country and requiring considerable horizontal curvature, and some short but deep cuts, until we strike a valley running just South of Madison Court House; thence along a ravine leaving the factory to the North and up a gentle slope to the table land; thence keeping on the table land with gentle curves to near Peirson's;—thence over a favorable country to the Withlacoochee at the Big Spring, one mile above the Indian ford, high pine woods on each side, the banks of the river nearly perpendicular and composed of secondary lime stone rock, the banks being from 25 to 30 feet high; thence over a beautiful, gently rolling pine country 3 miles to the Okohatchie drain, 300 yards wide; thence North East to the Alapahaw at Jenney's Bluff, $2\frac{1}{2}$ miles below the Georgia line, Bluff 30 feet high, requiring a bridge 200 feet long and trestle work $\frac{1}{4}$ mile long on the East side; thence through a rolling country to the Georgia line, 8 miles East of the Alapahaw. From Madison Court House this is the proposed connexion West with Georgia. From the Georgia line I examined a route running South, near Jasper, and crossing the Suwannee near the Lower Springs, (requiring a Bridge 600 feet long and trestle work 200 yards over the river flats,) to intersect the route from Madison Court House running East, in range 14, Township 2, South. This route from the Georgia line,

passes over a very favorable country, and would afford a connexion between the Eastern district and Georgia.

To return near to Madison Court House and take up the route from the West, in that vicinity : the route should follow out the valley leading South of the factory, and thence keep the table land near the stage road to Columbus, over a gently rolling country, to a valley (a little South of the stage road,) leading to the river about $\frac{1}{2}$ mile South of the bridge at Columbus, where there is a favorable crossing—the river being 130 yards wide with high bluffs on each side, with a back slough on the East side 30 feet above ordinary stage, but through which the waters flow at extreme high water, which would require an embankment 200 yards long, and 5 feet high.—The substrata of both of the banks and bottom of the river at this point are of lime stone rock, suitable for building purposes. This crossing is about 2 miles South of the base line. Thence a course about South East, near the road from Columbus to Alligator in Columbia County, the first portion of the route being over a gently rolling country admitting of easy grades, with little horizontal curvatures for some three miles, then over a flat level country for five miles; then over a gently rolling country to Johnson's some 18 miles from Columbus; thence over a flat country with occasional sinks to the vicinity of McClellan's on Little River, 27 miles from Columbus; thence 12 miles to the vicinity of the town of Alligator. From Alligator, for the purpose of avoiding the heavy Swamps and deep ravines of the streams flowing into the South Prong of the St. Marys river, and keeping on the dividing ridge between the waters of St. Marys and those of the San Taffee River, the route should pursue a course of about 70° East, running in the vicinity of the Black Creek Road, passing over a favorable country with easy grades and a few small creeks, requiring culverts to the Olustee creek, 12 miles from Alligator where a bridge of 100 feet span would be required; thence the route passes through a low level country interspersed with small ponds and cypress slashes to the head of New River, in the neighborhood of Weston's, 38 miles from Alligator. This portion of the route from Alligator will require but little more than clearing the Roadway, and ditches, on each side to raise the Roadbed above high water, with frequent culverts to pass off the collected water. In the vicinity of this place, say in Township 5 South, Range 21 or 22 East, this route would intersect the Air Line Road from Amelia Island to Cedar Keys; thence a course about North East to Amelia Island, the route passes on the dividing ridge between the waters emptying into the St. Marys River to the North, and those of Black Creek and St. Johns to the South and East, the country being flat and intersected with cypress ponds and slashes, but no streams requiring extensive bridging, and passing the head of Trout Creek and several small branches, over a flat level country to a marsh on the South side of Thomas Swamp, and crossing

said marsh ($\frac{1}{4}$ mile) and a creek requiring a Bridge 30 feet span. little North of Boat Swamp, to high pine land, thence across a flat slough, dry at low water, to another neck of Land; thence to a marsh $\frac{1}{4}$ mile wide, to Halfmoon Island, to the marsh of Nassau River, ($\frac{1}{2}$ miles wide,) the river requiring a Bridge of 200 feet span, with draw for the passage of vessels, there being 20 feet water in the channel; thence across a neck of high land one mile, to Loftin's Creek, requiring a Bridge 200 feet long and trestle-work one mile, to high level land with small wet slough, requiring several culverts, to the head of a dry marsh north of Harrison's Plantation, "called Orange Grove," to the Isle of Pines; thence across the marsh of Amelia River $1\frac{1}{4}$ miles, and Bridge 200 feet span, (across the cut made by the United States Grant) with a draw, to Amelia Island; thence north, on said Island, 3 miles to Yellow Bluff, about one mile south of the site of old town of Fernandina, within 3 miles of the St. Mary's Bar, admitting vessels drawing 18 feet of water, with an ample harbor, completely land-locked, for any amount of commerce, with 25 feet of water immediately along side of the Bluff, with a high elevated table land within one mile of the sea-beach, with abundance of pure fresh water, insuring health throughout the year. This terminus is wholly within the State of Florida, and should this Railroad project be consummated, would enable the State to boast, in a few years, of having as advantageous an Atlantic city and harbor for commercial purposes as any State south of Virginia, and I would ask if this is not an object worthy of the co-operation of all true-hearted and patriotic Floridians? Let us then all unite, West, Middle, South and East, to concentrate the energies of the State, in building up a great Florida sea-port on the Atlantic, corresponding as near as possible, with that unrivaled harbor, Pensacola, on the Gulf, thus securing to our State two commercial points, one on the extreme South-West and the other on the North-East, that will compare favorably with those of any other State in the Union.

The route, as described above, will pass within 12 miles of the Town of Jacksonville, on St. John's River, this distance being over a flat level country, intersected with small slues or drains, and cypress ponds, over which a Road might be located without any difficulty, requiring nothing but good ditches on each side, and open culverts at intervals of half a mile, to take off the waters which collect in heavy falls of rain.

In regard to the St. John's being looked to, as the main terminus of so great an enterprise, I regret sincerely it is not in my power to recommend it, from the fact of there not being sufficient depth of water on the Bar at its mouth to admit the larger class of sea steamers or sail vessels, there being at low water not over nine feet, and often less; and the prospect of improving it, so as to give a greater draft, is so distant as to forbid any calculations being made on it.

The measured distances on the map, by an air line from the Apalachicola River eastward, are as follows:

From Rock Bluff, on the Apalachicola River, to Tallahassee,	40	miles.
Add 15 per cent. for variation from air line,	6	"
From Tallahassee to the Suwannee River	65	"
Add 15 per cent. for variation from air line	9 $\frac{1}{2}$	"
From the Suwannee at Columbus to intersect with the Peninsula Road in Township 5, South, Ranges 21 and 22 East	60	"
Add for variation from air line 3 per cent.	1 $\frac{1}{2}$	"
From intersection in Township 5 South, Ranges 21 and 22 East to Amelia Island,	55	"
Add for variation from air line 4 per cent.	2 $\frac{1}{2}$	"
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Making the distance from Rock Bluff to Amelia Island and	239 $\frac{1}{2}$	"
Or the distance through the Middle District 120 $\frac{1}{2}$ miles, and the Length of Road through the Eastern District, 119 miles.		
Or from the Apalachicola River to the intersection with the Peninsula Road,	182 $\frac{1}{2}$	miles.
Thence to Jacksonville on St. John's River,	36	"
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Length of Road from Apalachicola River to St. Johns,	218 $\frac{1}{2}$	"
Or the distance from the Apalachicola River to Madison Court House,	107	miles.
Thence to the Georgia line east of the Alapahaw,	35	"
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Making the distance from the Apalachicola to the Georgia Line,	142	miles.
From the Georgia Line east of the Alapahaw to intersect the route to the East of the Suwannee,	25	"

I present no detailed account of the cost of this Road from the fact that nothing more than a reconnoissance was required. But I can say with confidence, however, that there is no doubt, but that it can be constructed for as small an amount per mile, as the same number of miles of Road in any part of the United States.

Thus, Sir, I have given you as succinct and minute a statement of the difficulties to be overcome by a Railroad from the Apalachicola River through Tallahassee to the St. John's River, Amelia Island, and the Georgia Line east of the Alapahaw, as the nature of the examination will admit, and when it is remembered that over portions of the route I was compelled to proceed with a guide, it may be may not in the whole distance have followed that

route that may be found best when the instruments come to be applied to the ground.

With much respect, I have the honor to submit the above Report,
And remain your obedient servant,

F. L. DANCY,
State Engineer, &c.

[B.]

Canal Report.

OFFICE OF STATE ENGINEER, }
PALATKA, FLORIDA, November 10th, 1854. }

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR :—In obedience to your instructions, dated November 29th, 1853, after repeated interruptions and delays from various causes, I started on the 20th day of May, ultimo, to examine the upper St. Johns River, "with the view of ascertaining the practicability of connecting its waters with those of Indian River, by a navigable Canal," "to be laid before the next General Assembly."

To do this it first became necessary to ascertain up to what point the St. Johns is at present navigable, (or may be rendered so at a moderate outlay,) and then to ascertain the nature of the intervening country, and the distance from the point so found, to a point on Indian River at which the same, or even a greater draft of water may be carried through its length. In proceeding to ascertain these facts, there being no settlements on the St. Johns or regular intercourse on its waters higher up than Lake Monroe, and being unable to obtain any reliable information how high up the River it might be necessary to examine, I took passage, (with my party and the necessary outfit, for both land and water transportation, from Palatka on the St. Johns River, some ninety miles from its mouth,) on board the steamer Darlington, bound for Enterprise on Lake Monroe, some 120 miles above Palatka, on the 21st day of May, 1854. Up to this point, the steamer Darlington, measuring 298 tons and drawing 4 feet of water, plies regularly once a week from Jacksonville, touching at all the intermediate landings on the river, thus making the distance now navigated by steamboats on the St. Johns, over two hundred miles.

At Lake Monroe I was informed that the Lake and River were then at about the ordinary stage. From thence I proceeded in a four oared boat, with a portion of my hands and baggage up the river, (sending my teams and the balance of my party by land to meet me at the Salt Lake some 60 miles distant.) The Bar or inlet at the south end of Lake Monroe, had on it at that time 5 feet of water, which

depth continues over a space of some 100 yards into the lake; then the river is from eighty to 100 yards wide, and meanders with gentle curves through an extensive prairie or marsh, occasionally coming quite up to the high land on either side of the river bottom. It continues thus, without any very great variation, up to the inlet from Lake Jessup. This Lake lies to the southwest, and empties into the St. Johns, some 15 miles above Lake Monroe; the route up the St. Johns passes within sight of the Lake, but does not enter it; thence the St. Johns continues with little change in its general features up to Lake Harney, some 40 miles above Lake Monroe. The river rather more frequently, in this latter distance, approaches the high land on either side—the water deep and the curves very gentle, presenting no obstacles to navigation, and in fact, but for its windings, resembles an artificial canal very much, as there is on either bank, (except at intervals where creeks or drains make in from the prairies,) an elevated bank from 3 to 4 and 5 feet above the level of the water in the river, and from 10 to 30 and 40 feet wide, with a beautiful growth of live oak, hickory and various other forest trees and vines in the greatest profusion and luxuriance, extending their foliage for a considerable distance over the waters of the River. The trees have in many places as much regularity as if they had been planted by the hand of man. The whole distance from Lake Monroe to Lake Harney, the river and the adjacent country, presents a most beautiful and variegated landscape. The marshes or prairies in this portion of the river are in places from two to four miles in width, and would average $2\frac{1}{2}$ miles; they are occasionally interspersed with small mounds or islands covered with timber. The prairies are sufficiently firm for cattle to walk over them, and are covered with maiden cane grass from 4 to 10 feet high and exceedingly thick, affording luxuriant pasturage the whole year round for stock. Lake Harney is some five miles in length from North to South, and from $1\frac{1}{2}$ to 2 miles wide. From this Lake the entrance from the South is very shoal for several hundred yards into the Lake, there being at this time not more than thirty inches on the bar, thence South the river becomes quite narrow, from 30 to 60 yards wide and very winding for some two miles, when it opens out into a small lake or basin a mile wide east and west, and $\frac{1}{2}$ mile north and south. At its south end the river enters by several small slues or channels, the widest not more than 30 feet wide and 24 inches on the bar at the entrance into the Lake; thence the river winds in every direction for twenty miles, (the distance ascended by me,) through extensive prairies from 5 to 10 miles in width, and the channel frequently so narrow that the oars of my boat were often in the marsh on both sides at the same time, with frequent shoals with not more than two feet of water over them. After finding such to be the nature of the river, and so different from what I had been led to expect, as steam boats had ascended even as high as Lake Poinsett during the Indian war,

which must evidently have been during a very high stage of water, I at once came to the conclusion that it would cost as much or more to render that portion of the river at all times navigable as to cut a few additional miles of canal through high land, and moreover, there was no place in that distance, (20 miles,) where the river approached nearer than one mile to high land on either side, so extensive are the prairies in this portion of the river. Again, Indian river is a broad open sheet of water, nearly strait from north to south, from St. Lucie Sound to as far north as the Haulover, in township 20 S., R. 33 E., the same as the south end of Lake Harney.

I therefore determined to return to Lake Harney, and examine its eastern shore, to ascertain if a suitable place could be found there for the commencement of a canal. I found near the south-east end a point of high land where there was sufficient water within 100 yards of the beach, suitable for such a purpose. I therefore determined to survey the route from that point, starting at the $\frac{1}{2}$ mile station, between sections 20 and 29, T. 20 S., R. 33 east of the public surveys, and intended running a due east line to Indian River. After proceeding some 4 miles through a flat level country, my guide urged me to change my course, that I would otherwise encounter an extensive cypress swamp. I did so, and after several slight variations from a due east course, I reached Indian River somewhat above the Haulover on the east side leading to New Smyrna, whereas the true line should strike about one mile south of said Haulover, where there is plenty of water near the shore. The distance across I found to be 12 miles 901 feet.—The greatest elevation between the two rivers I found to be $27\frac{1}{2}$ feet, and this for a very short distance. There is but one water course in the whole distance; that is a cypress swamp which generally holds water. It lies at the distance of 72.3 miles from Lake Harney and near the summit level. The country is open pine and saw-palmetto, interspersed with numerous cypress ponds, mostly holding water, but shallow, none being more than 3 or 4 feet deep. The first 3 or 4 feet from the surface of the earth is a compact white and black sand, and is mostly underlaid with marl or a mixture of clay, shell and sand.

As the present draft of water in each river, from their points of junction with the canal, is from $4\frac{1}{2}$ to 5 feet, I propose a canal 30 feet wide at bottom, to start from four feet water in Lake Harney, and to descend to the same depth below the water level in Indian River, and as there is a difference between the water level of Lake Harney and that of Indian River of 3 feet 6 inches, it will give to the bottom of the canal a slope towards the latter of $3\frac{1}{2}$ inches per mile, not sufficient to cause any difficulty in navigating the canal by sails or m/s. I propose also, a lock at each end, one of six feet lift and the other of eight feet. Likewise a basin or side bay for the passage of boats about midway the length of the canal. The locks are to prevent the flow of the current through the canal, which if per-

mitted, would form a shoal or shoals at either end of the canal. That there will always be a full supply of water in the canal as proposed for navigation, I have no question; as the natural filtration alone would afford it, from the fact that the shallow ponds not more than 4 feet deep are scarcely ever dry, and then the canal could always be kept full, should there be any deficiency from that source, by allowing the water from the Lake to flow into the canal through the lock. The locks should be of wood or stone, there being an abundance of the latter material on Indian River of an excellent quality for such a work, and I am of the opinion that the expense of building with stone would be but a fraction more than of wood, and the locks would be much more durable.

The excavation for said canal, the distance being twelve miles and nine hundred feet, would require the removal of 3,115,483 cubic yards of earth, which from its nature would cost not more than six cents per cubic yard, equal to

\$186,925 98

The Locks would cost an average of \$5,000 each, 10,000 00

Add ten per cent for contingencies, 1,869 25

Making the entire cost

\$198,795 23

For further information in reference to the Canal, see the accompanying map.

Now we will enquire, what are the inducements for the State to expend such an amount for this purpose. In the first place, I have been informed by the State Agent for the selection of swamp lands, that he has taken the whole country South of Township 20, South, Range 33 East, with the exception of the private grants and a few fractional Townships, so far as the Public Surveys have yet extended. This would give the State in the district lying contiguous to the St. Johns and Indian River, to the mouth of the St. Lucie River, something over 1,300,000 acres of land; which, under the present circumstances, is literally worthless, from the fact that it is almost inaccessible either by land or water, there being as good as no bar seaward from Indian River, that which is known as the bar, constantly shifting, and has at best, only from three to five feet of water, and no roads, if we except the Military Road from Fort Capron on Indian River across the Peninsula to Charlotte Harbor, on the Gulf Coast. This is the only wagon road in that part of the country, the routes travelled at this time in all other directions being by blind trails or horse paths; causing that whole region to be a Terra Incognita to all except a few hardy and enterprising adventurers, who have located in defiance of all obstacles, on the Western bank of Indian River, from 80 to 100 miles South of the point where the proposed Canal will enter said River. As to the value of these lands, I am satisfied, from my own observation, that there is scarcely a single mile in the whole length of Indian River on the Western bank, (which is in general from 10 to 30 feet high, with miles of a

bold, rocky shore,) where small bodies of excellent land suitable for 5 to 10 working hands could be obtained, and where from the delicious and genial climate, most, if not all the Tropical fruits and vegetables, as well as Sugar Cane may be raised in perfection.—The lands back from the River are, in places, high, rolling spruce pine, and scrub oak ridges, with frequent ponds and savannahs, with occasional small, rich hammocks, and many beautiful pine ridges convenient for stock raising, with excellent range, both on the St. John's prairies and in the low lands and ponds intervening between it and Indian River. These lands, if furnished with a suitable outlet, would in a very few years command, much of them, from \$2 to \$10 per acre; and their enhanced value would double, aye, treble the outlay necessary to open this Canal. Beside which, Indian River could be made to supply the whole of Florida, and in fact, the whole Southern Atlantic market with Fish and Oysters of the finest quality. It would open an outlet to the markets of the whole country of the finest tropical fruit region in the United States. Moreover, no healthier region can be found in America, than the West bank of Indian River and between it and the ocean. In a military point of view, it would be of incalculable benefit, as it would enable the Government to send troops, supplies, &c., inland by water from Charleston, S. C., to within a few miles of Cape Florida, without the least danger, either from storms or hostile fleets. It would add to the commerce of Florida, through the St. Johns River, an amount which at this day cannot even be approximated. This link of twelve miles would give to East and South Florida, an improvement that will vastly facilitate their intercourse and commerce with the rest of the world, and which, from the peculiar features of the country, would do for it what the system of Railroads proposed in another communication would do for the other portions of the State. This improvement would not only benefit the lands immediately bordering the two rivers, but would extend its influence even to the Everglades, from which, if ever settled, (of which I have no question whenever the Indians are removed,) the principal outlet will be through this canal to the North and Charlotte Harbor to the West, for all productions raised in that region.

I therefore, feel myself fully justifiable, in most earnestly recommending that this be one of the first works authorized by the General Assembly, as by inducing emigration to that portion of the State, would doubtless have a most beneficial influence on the few remaining Indians now inhabiting that section, and would in a few years, (unless they should sooner be removed,) completely cut them off from the Atlantic sea-board.

Which is respectfully submitted,

By your obedient servant,

F. L. DANCY,

State Engineer and Geologist.

[C]

ENGINEER'S OFFICE,
PALATKA, Fla., August, 5th, 1854. }

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In obedience to "Resolution No. 3 of the General Assembly of this State, Approved 14th of January, 1853," I have examined and have now the honor to report "upon the practicability of draining the submerged lands, in rear of St. Lucie Sound, commonly known as the main Savannah in said County of St. Lucie." The delay in making this examination, has arisen partly from the want of the necessary instruments, and after their receipt, in September last, by the necessity of finishing certain other duties in which I was then engaged.

The St. Lucie savannah, or "main savannah in St. Lucie County," is a long, narrow pond or savannah, lying nearly parallel to St. Lucie sound, and separated from it by a ridge of sand, which is underlaid at intervals by a shell or coquina rock. The horizontal distance from the eastern margin of the savannah to the margin of St. Lucie Sound, at a place known as Capt. Davis's, is 550 (five hundred and fifty) feet, with an elevation at the highest point of the intervening ridge of 33 feet and 4 inches. At this point, a cut twelve (12) feet wide at bottom and side slopes $1\frac{1}{2}$ horizontal to 1 vertical, will require an excavation of 11,000 (eleven thousand) cubic yards of earth, and as the bed of the savannah is 15 feet 3 inches (fifteen three) higher than the water-level of St. Lucie Sound, there can be no doubt of the practicability of draining off the water from the savannah, whose greatest depth does not exceed (5) five feet. The rock spoken of as underlying the sand will be no obstacle, as it lies too deep to interfere to any extent with the excavation. The dimensions of the cut proposed is deemed ample, as the flow of water at first will be so great as to cause it to wash out, and continue to enlarge.

This savannah is the receptacle of much of the water from the savannahs and swamps lying to the westward, which in wet seasons overflow the slight elevations between them, and run into this, where the waters continue to accumulate until they obtain a sufficient height for it to overflow in its turn, and then the waters are discharged into the head of St. Lucie to the South, and the St. Sebastian river to the North. This Savannah is about (18) eighteen miles long, by an average width of ($\frac{1}{2}$) one-half mile. It is believed that from $\frac{1}{4}$ to 2-3ds of the land now covered by water, as also that occasionally submerged, would be very productive if properly drained, and that the whole of it would, from the genial climate in which it lies, yield sugar cane and all the Tropical fruits in perfection. Another great advantage of draining this savannah, in my opinion, is, the effect a new outlet would be in taking off the waters which fall in the

back country, which are now dammed up and prevented from flowing into the Sound by a ridge of sand, extending from the St. Sebastian to the St. Lucie river, a distance of some (50) fifty miles, just back of or to the westward of Indian river and St. Lucie Sound, without a single break in the whole of this distance of any consequence, where the accumulated waters can flow into either the river or sound. The waters consequently, in wet seasons, continue to accumulate until nearly the whole back country becomes submerged, and as they gradually subside by evaporation and filtration, leave the country covered to a great extent with ponds, savannahs and swamps. Now by making this new outlet, and gradually connecting the various savannahs and ponds in a direction East and West, the effect it will have in drying that whole country will be immense. It is only in this way it can ever be drained with any advantage, and at a reasonable expense. The country is so nearly level North and South, with a slight descent to the Eastward, with the exception of the sand ridge above mentioned, that any cut East and West would draw to itself the waters from both North and South, and would in a short time form a considerable stream, and it is not improbable that throwing such a volume of water into the St. Lucie Sound, may cause such a flow of water seaward as may have a beneficial effect on the bar at the outlet to the ocean.

Believing in the practicability of draining this savannah, and deeming it both necessary and proper for the development of the capabilities of the country, and that it can be accomplished for the amount appropriated by the General Assembly, deducting the expenses of the preliminary survey and examination, I have the honor to request that the amount appropriated for this improvement may be transmitted to me, or placed at my disposal without unnecessary delay, that I may have the work executed at the earliest practicable moment. There were other points examined by me, but their cost so far exceeded the cost of the above named point, without any advantages to counterbalance the extra cost, that I have had no hesitation in adopting the above as the most suitable. This report, sir, has been delayed in consequence of indisposition since my return from the south.

I remain very respectfully, sir,

Your obedient servant,

F. L. DANCY,

State Engineer and Geologist.

No. III.]

ATTORNEY GENERAL'S REPORT.

ATTORNEY GENERAL'S OFFICE,
TALLAHASSEE, November 18, 1854. }

To His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—In compliance with the act of July 23d, 1845, I have the honor to submit to your Excellency, to be laid before the Legislature, a report touching such matters as I am by law required to bring to the attention of the General Assembly.

The law referred to makes it the duty of the Attorney General to report "as to the effect and operation of the acts of the last previous session, the decisions of the Courts thereon, referring to the previous legislation on the subject, with such suggestions as (in my opinion) the public interest may demand."

The last Legislature, desiring to afford the people of this State such Banking facilities as the necessities of the Country might require, and at the same time wishing to protect the public against the consequences of a circulation not based upon substantial capital, passed into a law the act entitled "An act to authorize the business of Banking."

It was doubtless supposed that the provisions of this law were sufficiently liberal to induce capitalists to embark in the business it authorizes, whilst the checks and restrictions embraced in it, would protect the public from imposition, and give confidence in the circulation throughout the State. No effort, however, has been made to establish the business of Banking in this State as authorized by the act, and it has been suggested as one of the reasons, that any association or individual Banker would, in order to avoid the consequences which might result under the provisions of the sixth section, be required to keep on hand a large amount of unproductive capital, to meet the demands which might be made for the redemption of the circulating notes. The stock required to be deposited with the Comptroller being equal in amount with the bills put in circulation, may be regarded as a sufficient security to the public; but if in addition to this, the association or individual Banker finds it necessary to have on hand a large amount of gold and silver, yielding no dividends or interest, it is manifest that the inducements to engage in the business must be considerably lessened. An amendment of the sixth section, with such other amendments of the law as the wisdom of the Legislature may suggest, may perhaps result beneficially.

I would further suggest that this act be so amended and restricted as to prevent the abuse of the privileges it grants, by persons who

may literally comply with the pre-requisites of the law,⁵ and then resort to some State or Country remote from our's for the purpose of issuing the notes countersigned by the Comptroller, and transacting all other business authorized by the act, making Florida but nominally the location of the office or place of business. As the act now stands, it is contended by some, that there is nothing to compel those who seek the benefit of its provisions, to make Florida in reality the place of business.

It will be seen by reference to the act entitled "An act to regulate quarantine laws in this State," passed at the last session, that the Port Physician is only authorized to order a vessel into quarantine, in case any malignant, pestilential or infectious diseases have occurred, or are prevailing on board. A most important omission, it occurs to me, has been made, in not granting the same authority in cases of vessels arriving from Ports where malignant or pestilential diseases exist or are prevailing, and I respectfully suggest the propriety of so amending the law, as to include the case referred to.

By the second section of the "act to repeal an act in relation to Pilotage for the Port of Key West," approved January 8, 1853, all laws and parts of laws in relation to pilotage at that port are repealed. The effect of this provision, as has been decided by the District Court of the United States for the Southern District, has been to repeal all laws authorizing the appointment of the very commissioners who, by the third section, it was intended should have the power to make all necessary by-laws, &c., governing the subject. This consequence, I am assured, never was designed by the Legislature, and I call attention to it with the view that the necessary amendment may be made. But a reference to this act is also made for the more important purpose of suggesting, that the right of the Legislature to delegate to commissioners the power to make by-laws, rules and regulations, prescribing the duties of, and imposing penalties upon pilots and masters of vessels, is very questionable. Indeed, I am of opinion that under the constitution no such right exists. The Legislature is charged with the duty of making laws, and it cannot shift from itself the responsibility of their enactment, nor delegate to any other body the power which the Constitution has alone confided to the representatives of the people. Hence all laws declaring the duties of pilots and masters of vessels, and imposing penalties for their violation, must be enacted by the Legislature; but the mode and details of their execution may be confided to the commissioners, together with authority to grant licenses, and to establish such rules and regulations as may be necessary for the due fulfilment of the purposes of the law. By reference to the act mentioned, it will be found that the whole power over the subject is conferred upon the Commissioners.

By authority of the General Assembly, a suit was instituted by my predecessor in the Supreme Court of the United States to deter-

mine the question of boundary between this State and the State of Georgia. On my assuming the duties of this office, I made inquiries as to the posture of the case, and was informed that it had been set for a hearing on the second Monday of December last. The duty of conducting the prosecution of this cause having been imposed on the Attorney General, in conjunction with such additional counsel as should be engaged, I attended the last term of the Supreme Court at Washington, for the purpose of presenting the case; but found, on my arriving there, that it was not in a condition for argument on the day fixed for the hearing. Application was made by the counsel for Florida for a postponement for a fortnight, in the expectation that in that time the case could be placed in a condition to be heard. The Supreme Court, however, owing to the large number of cases pending, felt it to be its duty to deny the application, and to continue the case generally until the next term. The second Monday in December next having been appointed for the hearing, it is expected that the case will then be presented for the consideration of the Court. It may not be improper for me to remark that no blame can attach to my predecessor for the condition in which the case was found.

By desire of the counsel for Georgia, a decretal order was entered, by consent, at the last term, for the appointment of commissioners, whose duty it should be, first, to run and mark a line from the confluence of Flint and Chattahoochee rivers, to the point designated by Ellicott and Minor, under the Treaty of 1795, between the United States and Spain, as the head of St. Marys river; and secondly, should they find such point not to be at the head of St. Marys river, then to run another line, from the confluence of Flint and Chattahoochee rivers to such point as they should determine to have been the head of St. Marys river at the date of said Treaty. Neither party, however, was to be concluded by the action of the commissioners. It was supposed that the execution of this order would materially expedite the cause, whilst, on the part of the counsel for Florida, it was hoped that the examinations by the Commissioners would throw such light upon the subject, as to show satisfactorily that the claim which Florida asserts is as well founded in fact, as it is in law.

Subsequently, it being ascertained that time did not admit of the running of two lines within the period limited by the Court, by agreement of parties the decretal order referred to was modified so as to authorize the Commissioners to make the necessary examinations to determine the head of St. Marys river, before running and marking the line, the purpose being, if the Commissioners could agree on a point as the head of the river, to have but one line run.—It was further agreed to waive all departures from the terms of the original decretal order, as should be consistent with the said modification. The action of the Commissioners, under the order and its

modification, and the transactions connected therewith, are best known to your Excellency, and if necessary can better be communicated to the General Assembly, by your Excellency, than by myself.

I am very Respectfully,
Your Obedient Serv't.,
M. D. PAPY.

No. IV.]

QUARTER-MASTER'S REPORT.

QUARTER MASTER'S DEPARTMENT, }
April 13th, 1854. }

His Excellency, JAMES E. BROOME,
Governor of Florida :

SIR:—Yours of the 12th inst., calling for "a Report of the number and description of State Arms, now on hand at this department," is received, and in response thereto I have the honor to submit the following Report:

Three pieces of Brass Ordnance, 6 pounders, with Carriages, Artillery, Harness and other Equipments complete.

Two hundred and fifty-nine Muskets and all Equipments, including Picks and Brushes.

One hundred and twenty one Rifles, with Equipments complete.

Three hundred and forty-eight Pistols, and Equipments complete.

Sixty one Muskets, Three Rifles, and eleven Pistols in a broken and otherwise damaged condition.

Very Respectfully,
Your Obedient Serv't.
J. P. K. SAVAGE, Q. M. G.

Communication from Ordnance Department.

ORDNANCE OFFICE, }
WASHINGTON, August 8, 1854. }

His Excellency JAMES E. BROOME,
Governor of Florida :

SIR:—Your letter of the 1st inst., to the Secretary of War, was referred to this office. In answer I have to state that the account with Florida shows on the books of this office, that it has over-drawn

arms to an extent which will require from fourteen to fifteen year's quotas, according to its present Militia return, to cover.

The advances exceed the dues, including the quota for 1854, by 996 2-13 muskets, and the apportionment, according to the latest return, amounts to 68 muskets.

There is a regulation established by the President, in conformity with the law for drawing the Militia, which prohibits issues to any State or Territory, to which no arms are due; so that no issues can be made to Florida at present.

The within mentioned balance of 996 2-13 muskets arises wholly from advances made to the State of Florida in August, 1846, as per accompanying account current upon the application therefor, of Hon. the J. D. Wescott, and the approval thereof of the Secretary of War, with the understanding that they were to be charged to the State under the law of 1808.

The balance of 252 10-13 muskets charged in the account current, arises from issues made in 1840 and 1843, and were legitimately debited to the Territory of Florida under the law of 1808.

Respectfully, Your Ob't. Servant,

A. K. CRAIG,

Col. Ord.

The State of Florida in account current with the United States.

DR.		Muskets.
To balance due the United States to end. of 1844,.....		252 10-13
1846.		
August.	" 4 6-pounder bronze guns, mounted complete,.....	
	" 300 muskets and accoutrements,.....	
	" 300 Hall's rifles and do.	
	" 600 pistols,.....	
	" 300 sets of Cavalry accoutrements,.....	
	The whole being equivalent to,.....	1,579 5-13
		<hr/> 1,832 2-13

CR.		
1845, Dec. 31.	By apportionment of arms for 1845,.....	94
1846, " 31.	" " " " 1846,.....	98
1847, " 31.	" " " " 1847,.....	92
1848, " 31.	" " " " 1848,.....	90
1849, " 31.	" " " " 1849,.....	88
1850, " 31.	" " " " 1850,.....	86
1851, " 31.	" " " " 1851,.....	80
1852, " 31.	" " " " 1852,.....	77
1853, " 31.	" " " " 1853,.....	68
1854, " 31.	" " " " 1854,.....	68
Balance due the United States to end of 1854, as per contra,		996 2-13
		<hr/> 1,832 2-13

Balance due the United States, as per contra,..... 996 2-13

A. K. CRAIG, Col. Ord.

ORDNANCE OFFICE, Washington, Aug. 8, 1853.

TALLAHASSEE, Nov. 14, 1854.

TO JAMES E. BROOME, Esq.

Governor of Florida:

SIR:—I have the honor to hand to you, herewith, a statement of my account with the Seminary, School and Internal Improvement Fund, that had been placed in my hands for investment, up to the time when I resigned the office of Comptroller. My vouchers will be exhibited as soon as the Assembly shall have appointed the usual Committee to examine accounts, which I hope will be at an early day in the Session.

Very respectfully, your obedient servant,
JOHN BEARD,
Late Comptroller, &c

The State of Florida in account with JOHN BEARD, Comptroller.

		DR.	
1852. Nov. 17.	To cash lent, on account of Indian Hostilities,	\$	4,500 00
1853.			
May	" \$21,000 North Carolina Bonds, with pre- mium 5 1-10, interest and exchange.....		22,644 89
June	" cash lent Duval County,		1,000 00
Sept. 9.	" " paid Treasurer,		892 32
Nov. 9.	" " " "		971 00
1854.			
Feb. 6.	" " " "		700 00
March	" \$43,000 North Carolina Bonds, premium 4 5-100, interest and exchange,		45,815 88
April 13.	" cash paid Treasurer,		2,156 10
			<hr/>
			\$78,680 19

1852.	CR.	
Nov. 10.	By amount in Comptroller's hands, for investment.....	\$18,925 19
1853.		
April	" cash received from Treasurer.....	9,000 00
	" Interest on \$26,000 No. Carolina Bonds, from July, 1852, to January, 1853.....	780 00
	" Interest on \$38,000 Virginia Bonds, for the same period.....	1,140 00
	" Interest on \$7,000 Georgia, 7 per cent., for same period.....	245 00
	" Interest on \$38,000 Va. Bonds, from January to July, 1853.....	1,140 00
	" Interest on \$7,000 Georgia "	245 00
	" " \$47,000 North Carolina Bonds from January to July, 1853.....	1,410 00

1854,					
Jan.	1.	"	Interest on \$47,000 No. Carolina Bonds,	1,410	00
		"	" " \$38,000 Virginia	1,140	00
		"	" " \$7,000 Georgia	245	00
March		"	Cash received from Treasurer,.....	43,000	00
					<u>\$78,680 19</u>

RECAPITULATION.

The Seminary Fund, &c., in account with JOHN BEARD, Comptroller.

DR.

Seminary Fund, To amount as per account,.....	\$29,533	15
School " " " " "	15,868	63
Int. Imp't " " " " "	33,278	41
	<u>\$78,680</u>	19

CR.

Seminary Fund, By amount as per account,.....	\$29,533	15
School " " " " "	15,868	63
Int. Imp't " " " " "	33,278	41
	<u>\$78,680</u>	19

The School Fund, in account with JOHN BEARD, Comptroller.

DR.

1853.					
April	22.	To	premium for exchange,.....	\$	32 61
May	7.	"	\$4,000 North Carolina Bonds, with 5 10-100 per cent. premium, and interest to date purchase,.....	4,284	00
Sept.	9.	"	Cash paid Treasurer,.....	892	32
1854.					
Jan.	16.	"	premium for exchange,.....	7	15
March	27.	"	\$9,000 No. Carolina Bonds, at 4 5-00 per cent. premium, and interest to date and exchange,.....	9,584	10
April	13.	"	Cash paid Treasurer,.....	1,061	45
					<u>\$15,868 63</u>

CR.

1852.					
Nov.	10.	By	balance as per Report,.....	\$	63 63
1853.					
Jan.	22.	"	Interest \$18,500 Virginia Bonds,.....	555	00
April	22.	"	Cash received from Treasurer,.....	4,000	00
May	7.	"	Interest on \$10,000 North Carolina Bonds to the 1st January, 1853,.....	300	00
July	21.	"	Interest on same to July 1st,.....	300	00
		"	" " \$4,000 No. Carolina Bonds,.....	120	00
		"	" " \$18,500 Virginia	555	00
1854.					
Jan.	16.	"	" " \$14,000 No. Carolina	420	00
March	20.	"	" " \$18,500 Virginia	555	00
		"	Cash received from Treasurer,.....	9,000	00
					<u>\$15,868 63</u>

The Internal Improvement Fund, with JOHN BEARD, Comptroller.

1854.		DR.	
Jan. 16.	To cash for exchange.....	\$	10 39
March 27.	" \$31,000 No. Carolina Bonds, at a premium of 4 5-100 per cent., interest and exchange,.....		33,011 83
April -13.	" cash paid Treasurer,.....		256 19
			<hr/> \$33,278 41
1852.		CR.	
Nov. 10.	By balance as per Report,.....	\$	18 41
1853.			
May 7.	" Interest on \$14,000 No. Carolina Bonds to January 1st, 1853,.....		420 00
July	" Interest on \$14,000 No. Carolina Bonds,		420 00
1854.			
Jan. 16.	" " " " " " "		420 00
March 20.	" cash received from Treasurer,.....	\$	32,000 00
			<hr/> \$33,278 41

The Seminary Fund, in account with JOHN BEARD, 'Comptroller.

1852.		DR.	
Nov. 17.	To cash lent the State of Florida, to pay claims arising under the Indian hostilities of 1849.....		\$ 4,500 00
1853.			
April 22.	" cash paid for exchange.....		114 28
May 7.	" \$17,000 North Carolina Bonds amounting with interest to the day of purchase, and 5 1-10 per cent premium.....		18,207 00
June	" cash lent Duval County.....		1,000 00
Nov. 9.	" " paid Treasurer.....		971 00
1854.			
Jan. 12.	" " " for exchange.....		7 71
Feb. 26.	" " " Treasurer.....		700 00
March 27.	" \$3,000 North Carolina Bonds, with premium and exchange.....		3,194 70
April 13.	" cash paid Treasurer.....		838 46
			<hr/> \$29,563 15
1852.		CR.	
Nov. 10.	By balance, as per official Report of this date, \$18,843 15		
1853.			
Jan. 22.	" Interest on \$19,500 Virginia Bonds.....		585 00
April 22.	" cash received from Treasurer.....		5,000 00
25.	" Interest on Georgia Bonds.....		245 00
May 7.	" " " N. Carolina "		60 00
July 21.	" " " " "		60 00
	" " " Virginia "		585 00
April.	" " " Georgia "		245 00
	" " " N. Carolina "		510 00
1854.			
Jan. 12.	" " " " "		570 00
	" " " Georgia "		245 00
March 20.	" " " Virginia "		585 00
	" cash received from Treasurer.....		2,000 00
			<hr/> \$29,563 15

No. VI.]

TREASURER'S REPORT.

TREASURER'S OFFICE, }
TALLAHASSEE, November 1, 1854. }

His Excellency JAMES E. BROOME,
Governor of Florida:

SIR:—In compliance with the duties assigned by law, I have the honor herewith to submit my Reports, exhibiting the total receipts and expenditures of this Department for the Fiscal Year 1853, and for the year ending October 31, 1854, the period for the fiscal year having been altered so as to terminate the 31st of December.

Very respectfully,
C. H. AUSTIN,
State Treasurer.

The Treasurer, in account with the State of Florida, for the Fiscal year 1853.

1853.		DR.		
Nov. 1.	To balance from fiscal year,.....			\$ 5,884 93
"	" amount " Auction Tax,.....	\$ 1,449 99		
"	" " Fines,.....	1,859 85		
"	" " Licenses,.....	4,835 88		
"	" " Revenue, 1847,.....	41 97		
"	" " " 1849,.....	29 83		
"	" " " 1850,.....	10 32		
"	" " " 1851,.....	2,212 93		
"	" " " 1852,.....	45,188 38		
"	" " " 1853,.....	1,473 32		
				<hr/>
				\$ 57,102 47
"	" loan from School Fund, by authority of Governor and Comptroller, received from United States, on account of Indian hostilities of 1849,.....		10,000 00	
"	" from lands bought in for Taxes,...		2,834 40	
"	" Loan from Internal Improvement Fund to pay Indian Hostilities, Act 39, Ch. 518 of 1853,.....		175 89	
"	" Balance.....		25,000 00	
			8,928 62	
				<hr/>
				\$109,876 31
		CR.		
By	Comptroller's warrants paid,.....	\$82,931 90		
"	" amount paid on account of Indian hostilities,.....	26,669 64		
"	" amount from lands bought in for taxes,...	248 52		
"	" Treasury certificates redeemed,...	1 25		
"	" Taxes refunded,.....	15 00		
"	" profit and loss,.....	10 00		
				<hr/>
				\$109,876 31

The Treasurer in account with the Internal Improvement Fund.

1853.		DR.	
Nov. 1.	To balance as per last Report,.....	\$51,748	86
	" amount received from sales of land by Register,.....	2,152	06
	" Bonds received from sales of land by Register,.....	2,697	85
	" amount received from State Register,....	20,250	10
	" " " " interest account,....	86	98
			<hr/>
			\$76,935 84
1853.		CR.	
Jan.	7. By amount refunded Wm. Watson, for im- proper entry of land, War. 182,.....	\$	85 39
	" amount returned W. M. Garrison, as per Act of Assembly, viz, cash \$32,45, bond \$87,45,.....		119 90
	24. " War. 348 fav. W. R. Hayward, this fund's portion of \$200, for extra services,.....		125 00
<i>Swamp Land Fund for the for the following advances :</i>			
Feb.	18. By War. 378 favor J. J. Bryant, selecting Swamp lands,.....	\$	250 00
April	23. " " 477 " F. L. Dancey, Eng. and Geologist salary,.....		421 80
July	5. " " 708 " same,.....		500 00
Sept.	26. " " 802 " W. J. Young, Instru'ts &c. for Eng. and Geol.,.....		198 50
	30. " " 825 " F. L. Dancey, Eng. and Geologist salary,.....		500 00
			<hr/>
			1,870 30
<i>United States for advances of Indian Hostilities, as follows :</i>			
Feb.	17. By loan to State of Florida, under Act 39, " Ch. 518, of 1853,.....	\$10,000	00
Sept.	30. " loan to State of Florida, under the same,.....	15,000	00
			<hr/>
			25,000 00
Jan.	17. " War. 665, favor D. S. Walker Expenses of land sale,.....		240 00
July	5. " Calhoun County, War. 715, favor S. Rich- ards, loan to said County, Act 27, Ch. 338, Sec. 1, of 1850,.....		650 00
Sept.	9. " Gadsden County, loan by authority of Comptroller,.....		1,150 00
	" Bonds still due for land sales, carried down,.....		32,076 09
	" Cash,.....		15,669 16
			<hr/>
			\$76,935 84
To amount brought down, due by Swamp Land,.....		\$	1,870 30
"	" due by U. States for Indian hostilities,....	25,000	00
"	" " " Calhoun County,.....	650	00
"	" " " Gadsden ".....	1,150	00
"	" " on bonds for land sales,.....	32,076	09
"	" cash on hand,.....	15,669	16
			<hr/>
			\$76,415 56

NOTE.—By reference to the Report of the Treasurer for the fiscal year 1852, it will be seen that the sum of \$27,640 was transferred to the Comptroller for investment.

The Treasurer in account with the School Fund.

1853.

DR.

Nov'r 1.	To balance per last Report,.....	\$ 4,182 32
"	" Amount received from sales of land,....	3,948 49
"	" " bonds " " " "	716 38
24.	" " received from Marion County, on account of loan,.....	1,000 00
"	" " received from lands redeemed, " " State Register, from February 7 to October 4, as proceeds from land sales,....	896 04
"	" " received on interest account,....	12,992 52
		892 32
		<u>\$24,128 97</u>

CR.

Feb'y 17.	By United States for loan to the State of Florida for Ind. hostilities,....	\$10,000 00
April 22.	" amount transferred to John Beard, Comp- troller, for investment,.....	4,000 00
"	" " paid W. R. Hayward, late Treas- urer, this fund's portion for ex- tra services,.....	60 00
"	" bonds from land sales,.....	2,668 53
"	" cash on hand,.....	7,399 54
		<u>\$24,128 97</u>

To amount advanced for Indian hostilities,.....	\$10,000 00
" " transferred to Comptroller for investment,....	4,000 00
" " bonds for land sales,.....	2,668 53
" cash on hand,.....	7,399 54
	<u>\$24,068 07</u>

The Treasurer in account with the Seminary Fund.

1853.

DR.

Nov'r. 1.	To balance per last report,.....	\$4,544 66
"	" amount received from land sales,.....	278 58
"	" " bonds " " " "	550 00
"	" " received from State Register, (from February 7 to October 4,) proceeds land sales,.....	953 36
"	" " received on interest account,.....	71
		<u>\$8,327 31</u>

CR.

April 22.	By amount transferred to John Beard, Comp- troller, for investment,.....	\$5,000 00
Oct'r 31.	" " this fund's portion of \$200 paid W. R. Hayward, late Treasurer, for extra services,.....	15 00
"	" " bonds from land sales,.....	2,364 07
"	" cash on hand,.....	948 24
		<u>\$8,327 31</u>

To amount transferred to John Beard, Comptroller, for investment,.....	\$5 000 00
" " bonds unpaid,.....	2 364 07
" cash on hand,.....	948 24
	<u>\$8,312 31</u>

7App

*A Summary of the Receipts and Payments at the Treasury during
the Fiscal Year 1853.*

RECEIPTS.

On account of the State of Florida,.....	\$100,947 69
" " " Internal Improvement Fund,.....	76,750 55
" " " School Fund,.....	24,128 07
" " " Seminary Fund,.....	8,327 81
	<hr/>
	\$210,183 62

PAYMENTS.

On account of the State of Florida,.....	\$109,876 31
" " " Internal Improvem't Fund,	29,035 30
" " " School Fund,.....	14,060 00
" " " Seminary Fund,.....	5,015 00
Balance, Bonds,.....	\$37,108 69
Cash,.....	15,088 32
	<hr/>
	\$52,197 01
	<hr/>
	\$210,183 62

*The Treasurer in account with the State of Florida, from Novem-
ber 1, 1853, to November 1, 1854.*

1854.

DR.

Nov'r. 1. To amount received from auction tax,.....	\$ 2,317 84
" " " " Fines,.....	1,626 60
" " " " Licenses,.....	6,063 06
" " " " Revenue 1852,...	1,408 82
" " " " " 1853,...	49,849 41
" " " " " 1854,...	2,035 78
	<hr/>
	\$62,801 51

CR.

Nov'r. 1. By balance per last last report,.....	\$ 8,928 62
" " amount Comptroller's warrants paid,...	48,372 60
" " " paid on account of Ind. hostilit's,	4,582 21
" " Treasury certificates redeemed,	10 46
" " lands bought in for taxes,.....	339 62
" balance,.....	568 00
	<hr/>
	\$62,801 51

The Treasurer in account with the Internal Improvement Fund.

1854.

DR.

Nov. 1. To amount brought from former account, due	
by Swamp Land Fund,.....	\$ 1,870 30
" " due by U. States, advanced on ac-	
count Indian hostilities,	25,000 00
" " " Calhoun County, for loan,	650 00
" " " Gadsden " " "	1,150 00
" " " on sundry bonds for land sales,	32,076 09
" " cash on hand from former account,	15,669 16
	<hr/>
" " received from J. Beard, late Comp-	\$76,415 55
troller, as uninvested	
balance,.....	286 19

Nov. 1. To amount received from State Register from		
	Nov. 7, 1853, to Oct.	
	2, 1854, from sales of	
	land,.....	25,264 88
" " " " "	Interest account,....	1,366 43
		<hr/>
		\$103,303 05
1853.	CR.	
<i>By loan to Swamp Land Fund, as follows:</i>		
Dec. 31.	Warrant 118, favor F. L. Dancey, Eng. and	
	Sur., for salary,.....	500 00
1854.		
Feb. 14.	" 191 and 263, same, expense Survey	
	Railroad route,.....	212 00
April 22.	" 250, same, Eng. &c., salary,.....	500 00
July 10.	" 395, same, " " " " " " " "	500 00
Aug and	" 363, 475, 476, and 458 to 463, favor	
Sept.	Benet & Teasdale. R. R. Reed, and	
	others, for expenses of survey of St.	
	Johns and Indian River,.....	862 68
	" 464 to 474, favor Benet & Teasdale,	
	Huford, Russell and others, expenses	
	survey of St. Lucie Savannah,.....	469 14
		<hr/>
		\$3,043 83
By amount transferred to Jno. Beard, Comp-		
	troller, for investment,.....	32,000 00
" "	due by Swamp Land Fund, bro't	
	down to be carried forward,....	1,870 30
" "	due by U. States, for advances on	
	count of Indian hostilities, bro't	
	down to be carried forward,....	25,000 00
" "	from Calhoun County, bro't down	
	and carried forward,.....	650 00
" "	from Gadsden County, same,....	1,150 00
" "	Bonds from former account,....	\$32,076 09
	Less amount collected,.....	16,211 00
		<hr/>
		15,865 09
" "	Cash on hand Nov. 1, 1854,.....	23,723 84
		<hr/>
		\$103,303 05
1854, Nov. 1.		
To United States amount loan to State on account of		
	Indian hostilities,.....	\$25,000 00
" amount due by Swamp Land Fund brought down,	\$3,043 82	
" " " " " " " " " " " " " "	1,870 30	
		<hr/>
		\$4,914 12
" " transferred to J. Beard, Comp., for investm't,		32,000 00
" " due by Gadsden County, bro't down,....		1,150 00
" " " " " " " " " " " " " "		650 00
" " Bonds due from land sales,.....		15,865 09
" " Cash on hand,.....		23,723 84
		<hr/>
		\$103,303 05
Add United States for amount loaned to State (See		
	Treasurer's Report 1852) on acc't of Ind. hostilities,	5,000 00
		<hr/>
		\$108,303 05

NOTE.—Amount of State Bonds received from John Beard, late
Comptroller for this "Fund,".....\$45,000 00

The Treasurer in account with the School Fund.

1854.

DR.

Nov'r 1.	To amounts brought from former account, United States for loan to State for Indian hostilities.....	\$10,000 00
	Amount transferred to Compt'r for investm't, bonds for land sales,.....	4,000 00
	" cash on hand,.....	2,668 53
		7,339 54
		<hr/> \$24,068 07
April 13.	" received from John Beard, Comp- troller, uninvested balance.....	\$ 1,061 45
26.	" received from lands redeemed,....	87 60
	" " from State Register, from November 7, 1853, to Oc- tober 2, 1854, from proceeds land sales,.....	7,237 23
	" received on Interest account,....	888 76
		<hr/> \$33,293 01

CR.

Nov'r 1.	By amounts brought down to be carried for- ward, United States for loan to State for Indian hostilities,....	\$10,000 00
" "	transferred to John Beard, Comp- troller, for investment,.....	4,000 00
	" bonds from land sales,.....	\$ 2,668 53
	Less amount collected,.....	1,249 64
		<hr/> \$1,418 89
March 20.	" amount transferred to Comptroller for investment,.....	9,000 00
June 17.	" " Warrant 354, for D. S. Walker, Register, expenses land sales,	144 00
	" " Warrant 372, for W. P. Cun- ningham, teacher,.....	60 00
	" " cash on hand,.....	8,670 12
		<hr/> \$33,293 01

To amount	brought down, United States, for loan to State for Indian hostilities,.....	10,000 00
" "	transferred to J. Beard, Comptroller, for in- vestment,.....	2,1000 00
" "	bonds for land sales,.....	1,418 89
" "	cash on hand,.....	8,670 12
		<hr/> \$33,089 01

Add amount	loaned State, to pay expenses of General Assembly, January 24, 1851,.....	\$25,000 00
"	balance (of principal) on bond for loan to Gadsden County,.....	5,763 38
		<hr/> \$30,763 38
		<hr/> \$63,852 39

NOTE.—Amount of State bonds received from John Beard, late
Comptroller, for this fund,.....\$41,500 00

The Treasurer, in account with the Seminary Fund.

1854.	DR.	
Nov. 1.	To amounts from former accounts:	
	" amount transferred to Compt'r, for investm't,	\$5 000 00
	" " Bonds unpaid,.....	2,364 09
	" " Cash on hand,.....	948 24
		<hr/>
		\$8,312 31
April 13.	" " received from J. Beard, Comptroller,	
	as unexpended bal ince,	588 46
	" " " " State Register, from	
	Nov. 7, 1853, to Oct. 2, 1854, from	
	land sales,.....	3,189 86
	" " on interest account,.....	826 92
		<hr/>
		\$13,167 55

1854.	CR.	
Nov. 1.	By amounts brought down to be carried forward:	
	" amount transferred to Comptroller, for in-	
	vestment,.....	\$5,000 00
	" " Bonds for land sales,.....	\$2,364 07
	Less amount collected,....	885 49
		<hr/>
		1,528 58
March 20.	" " transferred to Comp. for investm't,	2,000 00
	" " Cash on hand,.....	4,638 97
		<hr/>
		\$13,167 55

To amount brought down, viz:		
"	amount transferred to Comptroller, for investment,...	7,000 00
"	" Bonds uncollected,.....	1,528 58
"	" Cash on hand,.....	4,638 97
		<hr/>
		\$13,167 55

Add United States for this amount loaned to State to pay		
Indian hostilities,.....	\$4,500 00	
Loan to Duval County, April 20, 1853,.....	1,000 00	
	<hr/>	\$5,500 00
		<hr/>
		\$18,687 55

NOTE.—Amount received from John Beard, late Comptroller, in
State Bonds for this "Fund,".....\$48,500 00

*A Summary of the Receipts and Payments at the Treasury from
November 1, 1853 to November 1, 1854.*

RECEIVED.

On account of State of Florida,.....	\$62,801 51
" " " Internal Improvement Fund,.....	74,632 75
" " " School Fund,.....	19,293 01
" " " Seminary Fund,.....	8,167 55
	<hr/>
	\$164,894 82

PAYMENTS.

On account of State of Florida,.....	\$62,233 51	
" " " Internal Improvement Fund.....	35,043 82	
" " " School Fund.....	9,204 00	
" " " Seminary Fund,.....	2 000 00	
Balance, (cash \$37,600.93, bonds \$18,812.56),.....	56,413 49	\$164,894 82

TALLAHASSEE FUND.

TREASURER'S OFFICE, }

TALLAHASSEE, November 1, 1854. }

His Excellency JAMES E. BROOME,

Governor of Florida :

SIR:—The Tallahassee Fund has 1,300 acres of land unsold, and a cash balance of fifty-two 44-100 dollars on hand, and owes the sum of 2843 12-100 dollars (principal) as far as information can be obtained. Some additional value has been given to the land by the emigration to that part of the State, I have made the effort to close the remainder of the Fund; its present creditors are unwilling so far to purchase land for their claims (as has been done previously,) nor has application been made for its purchase by others.

Very Respectfully,

C. H. AUSTIN,

Treasurer and Ex-Officio Commissioner Tallahassee Fund.

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